

CITY OF FRESNO

INDUSTRIAL

PRETREATMENT

PROGRAM

2009



DEPARTMENT OF PUBLIC UTILITIES
WASTEWATER MANAGEMENT DIVISION



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Executive Summary

The Fresno-Clovis Metropolitan Regional Wastewater Reclamation Facility Industrial Pretreatment Program (Pretreatment Program) was originally submitted on 22 April 1983 which was approved by the Central Valley Regional Water Quality Control Board on 17 June 1984. It was updated and resubmitted in 1996 and revised again in 2001.

This is a report to the Central Valley Regional Water Quality Control Board of already approved programs of the City of Fresno Wastewater Management Division. The Wastewater Management Division also performs services for the City of Clovis and parts of the County of Fresno. It is necessary for the health, safety and welfare of the residents within the service area of the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF), a wastewater treatment facility, to regulate the collection of wastewater and treatment of said wastewater, to provide for maximum public benefit.

This third revision contains a number of updates as a result of changes in both the General Pretreatment Regulation (40 CFR 403) and the Fresno Municipal Code. They include the following:

- Language was incorporated to include references to Best Management Practices and the updated definition of Significant Noncompliance
- The original four categories of users were redefined to create six separate classifications with additional sub-classifications in some cases
- The legal authority was revised to reflect the updated Fresno Municipal Code
- The Enforcement Response Plan was updated, including administrative citation penalties
- The Fats, Oil, and Grease (FOG) Program was developed and incorporated
- The Hauled Waste Program was updated and incorporated to address liquid waste haulers
- Organization and staffing were revised to reflect changes in personnel and the elimination of the Industrial Waste Inspector class

Purpose

The Clean Water Act established a National Pretreatment Program to control the discharge of pollutants into a wastewater treatment facility. The objectives of the National Pretreatment Program are to prevent the introduction of pollutants into a facility which will interfere with the normal operation of that facility or pass through the facility untreated. The Pretreatment Program is also designed to improve the opportunities to recycle and reclaim treated wastewater and its biosolids.

Industrial Waste Survey

In 1982, an industrial waste survey was conducted to identify businesses that discharge pollutants of concern. This information was used to divide all types of discharges into six major classifications. Those businesses that are considered to be Significant Industrial Users subject to the Pretreatment Program are designated to be Class I dischargers.

Legal Authority

Successful implementation of a Pretreatment Program is based on the proper legal authority to enforce the regulations. This is accomplished through Chapter 6, Article 3 of the Fresno Municipal Code. Where some industries lie outside the jurisdiction of the City of Fresno but discharge into its collection system, joint powers agreements have been established with the City of Clovis and the County of Fresno.

Monitoring Program

Effluent discharge from significant industrial users is sampled on a regular basis. Those industries that have not had any violations are on the Continuous Compliance Monitoring schedule in which various parameters are checked quarterly, semiannually, or annually, depending on the nature of the constituent and the potential impact to the collection system or treatment facility. If a violation occurs, that industry is placed on the Enforcement Sampling schedule in which the sampling frequency increases to bimonthly, monthly, or more, depending on the level of enforcement. Monitoring may be conducted by the City of Fresno, or the industry, or both. Regardless of who collects the samples, proper sampling protocols are followed and all data is entered onto a chain of custody sheet to ensure the integrity of the sample.

Permitting Procedures

All Pretreatment Programs are required to have some type of control mechanism to regulate their wastewater discharge. After submitting a wastewater discharge permit application, a facility is inspected after which a wastewater discharge permit is issued. The permit may contain monitoring requirements, reporting requirements, and discharge prohibitions.

Enforcement Program

An Enforcement Response Plan (ERP) summarizes the monitoring program and outlines the various levels of enforcement actions that may be taken to address violations and establish a method of ensuring a violating industry returns to compliance as quickly as possible. The ERP lists each level of violation, the proper document to be issued in response, and the responsible personnel for addressing the violations. It includes time frames for responding to the notices and the administrative penalties associated with each level of enforcement. Violations may occur involving discharge parameters, reporting requirements, or other parameters that are not discharge nor administrative in nature.

FOG Control Program

The General Waste Discharge Requirements issued by the State of California requires each municipality with one mile or more of sewer line to have a Sewer System Management Plan (SSMP) to prevent sanitary sewer overflows. One component of the SSMP is the development of a Fats, Oils, and Grease (FOG) Program. The FOG Control Program regulates the Food Service Establishments discharging to the collection system. It includes Best Management Practices to prevent the introduction of fats, oils, or grease into the sewer which could obstruct the flow of wastewater causing the lines to back up.

Hauled Waste Program

Another contributor to the collection system are liquid waste haulers and grease haulers. Although small in the volume of waste generated, the nature and concentration of the waste and the proximity of the designated discharge location to the treatment facility make it necessary to monitor these haulers.

Organization and Staffing

Implementation of the Pretreatment Program is the responsibility of the City of Fresno Department of Public Utilities through the Wastewater Management Division. Reporting directly to the Assistant Director of Public Utilities at the Division, the Chief of Chief of Environmental Services is in charge of both the Environmental Control Officers in the Compliance Group and the Laboratory section.

Funding

Federal regulations require that adequate funds be available to support a Pretreatment Program. This includes personnel costs, operation and maintenance costs, and training costs. The City of Fresno funds its program through pretreatment surcharges which are assessed to every user who discharges into the sewer system.

Public Participation

Since its first public meeting on 29 July 1981 to discuss the Pretreatment Program implementation, the City of Fresno has held numerous activities with various groups to keep the general public informed in areas such as wastewater treatment processes, disposal options, treatment plant expansion projects, groundwater impact, local discharge limits evaluation, and sewer rate increases. Activities include school presentations, meetings with trade and civic organizations, informational booths at public events, and publications for general distribution and for insertion in sewer bills. Public tours of the treatment facility are also available.

CHAPTER 1

GENERAL PROVISIONS

Sec. 1.1 Short Title

This document shall hereafter be known as the "Pretreatment Program."

Sec. 1.2 Purpose

The development of an Industrial Pretreatment Program is required by the Clean Water Act (CWA) of 1977 (PL 95-217). The provisions herein set forth uniform requirements for the direct contributors into the wastewater collection and treatment system for the POTW, and enable the POTW to comply with all applicable local, state and federal laws. The objectives of the National and the City of Fresno's Pretreatment Programs are designed to:

- a) Prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) which will interfere with the operation of the POTW, including interference with the use or disposal of municipal sludge;
- b) Prevent the introduction of pollutants into the POTW which will pass through into the treatment works or otherwise be incompatible with such works;
- c) Improve opportunities to recycle and reclaim municipal and industrial wastewater and sludges; and
- d) Provide for equitable distribution among users of the cost of the Pretreatment Program.

The two types of standards in Section 403 of PL 95-217 are Discharge Standards and Categorical Pretreatment Standards. Discharge Standards apply to all non-domestic dischargers of pollutants to the POTW whether or not the discharger is subject to other standards. Pollutants considered under this standard include:

- a) Materials that may create a fire or explosive hazard including, but not limited to, waste streams with a closed cup flashpoint of less than 140 °F or 60 °C using the test methods specified in 40 CFR 261.21(a)(1);
- b) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0;
- c) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
- d) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or concentration which will cause interference with the POTW;
- e) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the treatment plant exceeds 40 °C (104 °F) unless alternate temperature limits have been approved;

- f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and
- h) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

Categorical Pretreatment Standards apply to existing and new sources in specific industrial categories. All thirty-four industrial categories listed in the 1979 Natural Resources Defense Council (NRDC) Consent Decree, shown in Table 1-1, are candidates for categorical standards. As new industrial categories are promulgated, those industries will also become candidates for categorical standards. Initial control will focus on pollutants that affect or interfere with treatment performance or are known to be toxic and create health hazards. The pollutants are listed in Table 1-2.

Sec. 1.3 Description of Existing Facilities

Sec. 1.3.1 Collection System

The City of Fresno owns and maintains over 1,400 miles of collection lines, sewer mains, force mains, and trunk sewers, ranging in size from six (6) to 84 inches in diameter, 22,700 manholes and 14 pump stations. Many of the system's sewer lines are more than 50 years old. These sewer lines are largely vitrified clay pipe and concrete pipe. During the past 20 years, plastic pipe (PVC) has been installed in new residential systems.

Sec. 1.3.2 Treatment Facility

The City of Fresno sewage system originated in 1891 and, until 1907, wastewater was disposed of on a 40-acre tract one mile east of the present site. In 1907, 812 acres were acquired at the present treatment site. Septic tanks were installed and treatment was achieved through a combination of septic tanks and ground infiltration. A primary treatment plant, Plant I, with a capacity of 20 million gallons per day (mgd), was constructed in 1947; the capacity was increased to 37 mgd in 1957.

Plant II was constructed one mile south of Plant I in 1960 with wastewater being delivered by a 66-inch diameter sewer trunk constructed along North Avenue. Treatment capabilities for Plant II included 24 mgd of primary and 8 mgd of secondary.

In early 1970, several studies determined that a higher degree of secondary treatment and satisfactory odor control could be accomplished by separately treating winery stillage waste. Grants from the state and federal governments were obtained and a construction project of \$24 million began in 1974. A secondary treatment capability increase to 55 mgd and a land treatment system for 1 mgd of winery stillage were installed. In addition, 1,500 acres of infiltration beds were redeveloped, and 21 extraction wells were installed to reclaim percolated effluents.

In the fall of 1996, the RWTF completed the first phase of an expansion project upgrading the secondary treatment capacity of the plant to 68 mgd. This expansion included replacement of the old headworks and primary clarifiers, and the addition of new aeration basins, secondary clarifiers, sludge thickening facilities, digesters, and sludge dewatering facilities.

The POTW provides wastewater treatment to the metropolitan areas of Fresno and Clovis, as well as the unincorporated areas of Fresno County within its sphere of influence. This facility operates under Waste Discharge Requirements (WDR) administered by the California Regional Water Quality Control Board (CRWQCB). The WDR includes a requirement for the development and implementation of a Pretreatment Program.

Reclaimed wastewater is sent to ponding basins or used to irrigate certain types of crops. Biosolids are either applied directly to land or used as a co-compost ingredient. Methane gas, generated during digestion, is mixed with natural gas to run co-generator gas turbines for producing electricity and hot water which are consumed at the RWRf.

Currently, the facilities sit on a total of 3,125 acres, which include 1,750 acres of ponding basins and 800 acres leased for farming. In addition, there are 2,120 acres of farmland irrigated with treated effluent. A second-phase expansion of the WWTF, started in 1997, was completed in 1999. The plant's capacity, officially approved as 74 mgd in the previous Waste Discharge Requirements, was upgraded to 88 mgd with the new Waste Discharge Requirements effective 19 October 2001. The upgrade includes additional primary and secondary treatment facilities, anaerobic digesters, and improvements to the plant's distribution system.

Sec. 1.3.3 Organic Expansion

With organic loading on the rise entering the WWTF, the City of Fresno recognized the need to increase the treatment capabilities of the facility. Construction of additional structures is currently underway and is expected to be completed in 2009.

Sec. 1.4 Future Expansion of Reclamation Capabilities

Future plans call for the expansion of all aspects of reclamation. Additional uses of reclaimed wastewater will be sought through more irrigated land and potential use to outside flood control districts. Expansion of co-generation facilities is being considered for additional power generation capability.

Sec. 1.5 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this document, shall have the meaning hereinafter designated:

1. Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act of 1977, as amended (33 U.S.C. §§ 1251 et seq.).
2. Approval Authority. The California Regional Water Quality Control Board (CRWQCB), Central Valley Region.
3. Authorized Representative of Industrial User.
 - a. A responsible corporate officer, if the industrial user is a corporation. A responsible corporate officer means:

- i. a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function or any other person who performs similar policy-making or decision-making functions for the corporation; or,
 - ii. the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively;
 - c. A duly authorized representative of the individual designated in Subsection (3)(a)(i) or (3)(a)(ii) provided:
 - i. the authorization is made in writing by the individual designated in Subsection (3)(a)(i) or (3)(a)(ii); and,
 - ii. the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the indirect discharge originates, or having overall responsibility for environmental matters for the company; and
 - iii. the written authorization is submitted to the Control Authority.
 - d. If an authorization under Subsection (3)(a)(i) is no longer accurate because of a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of Subsection (3)(a)(i) must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.
4. Best Management Practices or BMPs. The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general prohibitions, specific prohibitions, and local limits listed in the FMC. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
 5. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under Standard Laboratory Procedure in five days at twenty degrees Celsius, expressed in milligrams per liter (mg/L).

6. Biosolids or Sludge. The primary organic solid product produced by wastewater treatment processes that can be beneficially recycled.
7. Building. Any structure used or intended for supporting or sheltering any use or occupancy as determined by the Director.
8. Business. All commercial uses, including but not limited to offices, merchandising and industrial uses, and residential uses on premises where there are four or more living units or where unrelated persons are housed in the same structure, such as boarding or fraternity houses, assisted care facilities, motels or hotels, or as determined by the Director.
9. Capital Component. A component of the user charge used to recover the cost to construct treatment facilities, pump or lift stations, and truck sewer mains. In all cases, 100 percent of the capital component is due from each connection served by the regional wastewater system regardless of primary service provider. The City of Clovis is excepted.
10. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of users and which appear in 40 C.F.R. Chapter I, Subchapter N, Parts 401-471.
11. City. The City of Fresno.
12. City Effluent Limits. Technically-based limits, expressed either as concentration or as mass, of those pollutants found in section 6-327 of the Fresno Municipal Code (FMC).
13. City Sewer System. All facilities for collecting and transporting domestic or industrial wastes of any nature, including all such facilities both inside and outside the city limits which are owned, operated and controlled by the city.
14. Commercial User. All retail stores, restaurants, office buildings, laundries, and other private business and service establishments, including churches and lodges. These users are distinguished from industrial users for billing purposes only.
15. Compliance Schedule. A detailed time schedule of specific actions which a user is required to take in order to prevent or correct a violation of any prohibitions or limitations prescribed herein or any of the city's effluent limitations or pretreatment standards promulgated in accordance herewith.
16. Composite Sample. A combination of individual samples of water or wastewater taken at selected time or flow intervals, for some specified period, to minimize the effect of the variability of the individual sample.
17. Connected. A physical joinder of any plumbing or drainage system or fixture, contained in any structure, to the regional sewer system.
18. Control Authority. The City of Fresno Department of Public Utilities and Wastewater Management Division and its representatives or designees.

19. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
20. Customer. A person who is, or who has agreed to be, responsible for the payment of water or sewer service charges. "Customer" is also synonymous with "account," against which charges are assessed and billed.
21. Director. Unless otherwise specified, the Director of the Department of Public Utilities and/or his/her authorized representative.
22. Enforcement Response Plan or ERP. The mechanism for addressing applicable local, state, or federal violations. The ERP includes a written description of each type of enforcement, when to administer it, and how the monitoring schedule is affected. In conjunction with the written description, there may be an Enforcement Response Plan flow chart which maps out the path through the various levels of enforcement.
23. Environmental Protection Agency or EPA. The United States Environmental Protection Agency. Where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.
24. Existing Food Service Establishment or Existing FSE. Any Food Service Establishment that has been in continuous operation since before 22 June 2008, the effective date of the ordinance in which the FOG Program was incorporated.
25. FOG. Fats, oils and grease.
26. Food Service Establishment or FSE. Any facility defined in the California Uniform Retail Food Facilities Law (CURFFL) Section 113785, and any commercial entity discharging into the city sewer system that is consequently regulated by the Control Authority, either directly or indirectly through a Joint Powers Agreement, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by a mechanical exhaust ventilation system, as required in CURFFL Section 114296. A limited food preparation establishment is not considered a Food Service Establishment when engaged only in reheating, hot holding or assembly of ready to eat food products, and as a result there is no wastewater discharge containing a significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.
27. Grab Sample. A sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream, and without consideration of time.
28. Grease Interceptor. A multi-compartment device that is constructed in different sizes and is generally required to be located, according to the California Plumbing Code, underground between a Food Service Establishment and the connection to the sewer system. This device primarily uses gravity to separate FOG from the wastewater as it moves from one compartment to the next. This device must be cleaned, maintained,

and have the FOG removed and disposed of in a proper manner at regular intervals to be effective.

29. Grease Removal Device. Any grease interceptor, grease trap or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to it being discharged into the sewer system. Grease removal devices may also include any other proven method to reduce FOG subject to the approval of the Director. A grease removal device is a form of pretreatment and as such is subject to all regulations pertaining to the installation and maintenance of pretreatment systems as recognized in this Pretreatment Program and in the General Pretreatment Regulations (40 C.F.R. §403).
30. Grease Trap. A grease control device that is used to serve individual fixtures and have limited effect and should only be used in those cases where the use of a grease interceptor or other grease removal device is determined to be impossible or impracticable.
31. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
32. Hot Spots. Areas in the sewer lines that have experienced Sanitary Sewer Overflows (SSOs) or that must be cleaned or maintained frequently to avoid blockages of the sewer system.
33. Improvement. That which is built or constructed, an edifice of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For the purpose of this Pretreatment program, this definition shall not include "building" as defined previously and temporary on-site storm basins, but shall include the playing area of any non-enclosed sport facility or restricted sport field.
34. Indirect Discharge or Discharge. The discharge or the introduction of pollutants into a POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act (33 U.S.C. §§ 1317(b), (c), or (d)).
35. Industrial User or User. A source of indirect discharge.
36. Industrial Wastes. The liquid wastes from industrial processes as distinct from domestic sewage.
37. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources:
 - a. Inhibits or disrupts the POTW, its treatment processes or operations, or sludge processes, use or disposal; or
 - b. Is a cause of a violation of any requirement of the POTW's Waste Discharge Requirements (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act (33 U.S.C. §1345); the Solid Waste Disposal Act (SWDA), including Title II, more

commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

38. Lateral Sewer Charge. A fee charged against property for the right to connect to the public sewer line, city sewer system, where the property has not participated in the cost of constructing said sewer line mains.
39. New Food Service Establishments or New FSE. Any Food Service Establishment that starts operations on or after 22 June 2008, the effective date of the FOG Ordinance, regardless whether in a newly constructed building, a remodeled building, or using an existing building or space.
40. New Source. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated, and in accordance with that section, provided that:
- a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
41. Oversize Sewer Charge. A fee for the right to connect to the city sewer system, said fee to be used to pay the additional cost of constructing or reconstructing city sewers larger than eight inches in diameter.
42. Pass Through. A discharge which exits the POTW in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the POTW's waste discharge requirements (including an increase in the magnitude or duration of a violation) or threatens, or is a potential threat, to pollute or degrade groundwater.
43. Person. Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives or agents. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

44. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in gram equivalents per liter of solution.
45. Pollutant. Any dredge soil, solid waste, incinerator residue, sewerage, garbage, sewage sludge, biosolids, munitions, wood products and wastes, chemicals, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, commercial, municipal, and agricultural waste discharged into water.
46. Pollution. The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
47. Premises. All contiguous property under one ownership, any part of which is developed to be used for occupancy, business, public gathering or meeting place purposes.
48. Pretreatment and Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 C.F.R. § 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 C.F.R. § 403.6(e).
49. Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.
50. Pretreatment Standards or Standards. Prohibited discharge standards, categorical pretreatment standards, and local limits.
51. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in 40 C.F.R. §403.5 and in Section 6-327 of the Fresno Municipal Code.
52. Publicly Owned Treatment Works or POTW. A treatment works as defined by Section 212 of the Act (33 U.S.C. §§1292 (2)(A)), which is owned by the municipality (as defined by Section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances (also referred to as the city sewer system) only if they convey wastewater to a POTW treatment plant. The term also means the municipality, as defined in Section 502(4) of the Act (33 U.S.C. §§1362(4)), which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
53. POTW Treatment Plant or Treatment Plant. That portion of the POTW designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

54. Regional Sewer System. All facilities for collecting and transporting domestic or industrial wastes of any nature, including all such facilities both inside and outside the city limits regardless of whether they are owned, operated or controlled by the city, but not including those facilities owned and operated by the City of Clovis.
55. Sanitary Sewer Overflow or SSO. An overflow from the sanitary sewer system of domestic wastewater, as well as industrial and commercial wastewater.
56. Sewer Flow. The average daily flow introduced into the regional sewer system from a business during a billing period.
57. Sewer Loading. The amount of total suspended solids and biochemical oxygen demand in a wastewater sample.
58. Shall is mandatory, and may is permissive.
59. Significant Industrial User.
- a. Except as provided in Subpart (59)(c), the term "Significant Industrial User" means:
 - i. All industrial users subject to categorical pretreatment standards under 40 C.F.R. §403.6;
 - ii. Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - iii. Any industrial user that contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW;
 - iv. Any industrial user designated as such by the Control Authority on the basis that the industrial user has reasonable potential of adversely affecting the POTW operation or for violating any pretreatment standard or requirement.
 - b. The Control Authority may determine that an industrial user subject to categorical pretreatment standards under 40 C.F.R. §403.6 and 40 C.F.R. chapter I, subchapter N is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
 - i. The industrial user, prior to Control Authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

- ii. The industrial user annually submits the certification statement required in 40 C.F.R. §403.12(q) together with any additional information necessary to support the certification statement; and
- iii. The industrial user never discharges any untreated concentrated wastewater.
- c. Upon finding that an industrial user meeting the criteria of Subpart (59)(ii), (59)(iii), or (59)(iv) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority may at any time determine that such industrial user is not a significant industrial user.

60. Significant Noncompliance. A compliance status in which an industrial user has a violation which meets one or more of the following criteria:

- a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH;
- c. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 C.F.R. §403.8(f)(1)(vi)(b) or Section 6-324 of the Fresno Municipal Code to halt or prevent such a discharge;
- e. Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- g. Failure to accurately report non-compliance; or
- h. Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

61. Slug or Slug Load. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.
62. Standard Industrial Classification or SIC. A classification pursuant to the latest published edition of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.
63. Standard Methods or Standard Laboratory Procedure. The EPA approved procedure outlined in the latest edition approved by the EPA of the book, "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.
64. State. The State of California.
65. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
66. Total Suspended Solids or TSS. The total suspended matter that floats on the surface of, or is suspended in, wastewater and which is removable by laboratory filtering as prescribed by Standard Methods.
67. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under the provision of Section 307(a) of the Act (33 U.S.C. §1317(a)), or other acts.
68. Trunk Sewer Main. A public sewer main thirty inches in diameter or larger constructed to collect and transport domestic or industrial wastes of any nature to the POTW treatment plant or to another trunk sewer main transporting such wastes to the treatment plant.
69. Twenty-Five Percent (25%) Rule. A requirement for grease interceptors to be maintained such that the combined FOG and solids accumulation does not exceed twenty-five percent of the design hydraulic depth of the grease interceptor.
70. Upset. An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or city effluent limitations because of factors beyond the reasonable control of an industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
71. Wastewater Discharge Permit or Control Mechanism. The mechanism by which new or increased contributions of pollutants, or changes in the nature of pollutants, to the regional sewer system by industrial users, may be controlled to ensure compliance with applicable pretreatment standards, pretreatment requirements, or city effluent limitations.

Sec. 1.6 Prohibited Discharges

No user shall contribute or cause to be contributed directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW, whether or not

the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user shall not contribute the following substances to the POTW:

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, waste streams with a closed- cup flashpoint of less than 140°F or 60°C.
2. Any wastewater with a pH less than 6.0 or greater than 12.4, or having any corrosive or detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel, or may cause damage to structures, equipment or other physical facilities of the regional sewer system.
3. Solid or viscous substances which may cause obstruction to the flow in the POTW resulting in Interference.
4. Any pollutants, including oxygen-demanding pollutants (e.g., BOD) released in a discharge at a flow rate and/or pollutant concentration which will cause interference to the POTW.
5. Any wastewater containing heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that will cause the temperature at the treatment plant to exceed 104°F (40°C) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
8. Any trucked or hauled pollutants except at discharge points designated by the POTW.
9. Any other industrial wastes, unless such wastes have first been passed through screens having openings not exceeding one-half inch in dimension; provided, however, that the Control Authority, by written permit, may authorize the discharge into the regional sewer system of such wastes if they are first passed through screens having larger openings, if the Control Authority is satisfied that such larger openings will provide screening efficiency and effectiveness equal to or better than that provided by the smaller openings.
10. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

11. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
12. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act or the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
13. Any substance which will cause the POTW to violate the Waste Discharge Requirements mandated by the state.
14. Any wastewater with objectionable color not removed in the treatment process.
15. Any wastewater containing radioactive material in sufficient quantity to interfere with any treatment process or constitute a hazard to humans or animals.
16. Any wastewater containing substances that may precipitate, solidify or become viscous at temperatures between 40°F (4.4°C) and 100°F (37.7°C)
17. Any recognizable portions of the human anatomy.
18. Any storm water, surface water, groundwater, roof runoff, or subsurface drainage which is acceptable to be discharged to other facilities where such facilities are available.
19. Any cooling water which is sufficiently clean to be discharged to some other suitable facility, such as a storm drain, where such facilities are available.
20. Any pool water, spa water, or pond water which is acceptable to be discharged to other facilities where such facilities are available.
21. Any malodorous substance such as hydrogen sulfide or any other substance which will cause offensive odors in the sewer system or at the treatment plant.
22. Any substance which is not amenable to treatment by the processes employed at the treatment plant.
23. Any substance which will cause corrosive structural damage to the POTW.
24. Any slug loading.
25. Any wastewater that comes into contact with any process utilizing tetrachloroethene.
26. Wastewater causing two successive readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five per cent (5%), or any single reading over ten per cent (10%) of the Lower Explosive Limit of the meter.

Sec. 1.7 Local Limits

In addition to specific discharge prohibitions, a POTW must develop technically-based local limits. The local limits can be found in Appendix A.

Sec. 1.8 Abbreviations

The following abbreviations shall have designated meanings:

BOD ₅	Five-day Biochemical Oxygen Demand
C.F.R.	Code of Federal Regulations
City	City of Fresno
COD	Chemical Oxygen Demand
CRWQCB	California Regional Water Quality Control Board
CWA	Clean Water Act
EC	Electrical Conductance
ECO	Environmental Control Officer
ERP	Enforcement Response Plan
EPA	United States Environmental Protection Agency
FMC	Fresno Municipal Code
FOG	Fats, oils and grease
FSE	Food Service Establishment
gal	gallon
gpd	gallons per day
IU	Industrial User
IWS	Industrial Waste Survey
L	Liter
mg	milligrams
mgal	million gallons
mgd	million gallons per day
mg/L	milligrams per Liter
NRDC	Natural Resources Defense Council
PL	Public Law
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SWDA	Solid Waste Disposal Act
TSS	Total Suspended Solids
U.S.C.	United States Code
WDR	Waste Discharge Requirements
WWTF	Wastewater Treatment Facility

TABLE 1-1

INDUSTRIAL CATEGORIES

The following is a list of the thirty-four industrial categories which are regulated by the pretreatment program through categorical pretreatment standards pursuant to the NRDC v. Costle Consent Decree.

1. Adhesives and Sealants
2. Aluminum Forming
3. Auto and Other Laundries
4. Battery Manufacturing
5. Coal Mining
6. Coil Coating
7. Copper Forming
8. Electrical and Electronic Components
9. Electroplating
10. Explosives Manufacturing
11. Foundries
12. Gum and Wood Chemicals
13. Inorganic Chemicals Manufacturing
14. Iron and Steel Manufacturing
15. Leather Tanning and Finishing
16. Mechanical Products Manufacturing
17. Nonferrous Metals Manufacturing
18. Ore Mining
19. Organic Chemicals Manufacturing
20. Paint and Ink Formulation
21. Pesticides
22. Petroleum Refining
23. Pharmaceutical Preparations
24. Photographic Equipment and Supplies
25. Plastics Processing
26. Plastic and Synthetic Materials Manufacturing
27. Porcelain Enameling
28. Printing and Publishing
29. Pulp and Paper Mills
30. Rubber Processing
31. Soaps and Detergent Manufacturing
32. Steam Electric Power Plants
33. Textile Mills
34. Timber Products Processing

TABLE 1-2

EPA PRIORITY POLLUTANTS

1. Asbestos	43. Bis (2-chloroethoxy) methane	86. Vinyl Chloride
2. Acenaphthene	44. Methylene Chloride	87. Aldrin
3. Acrolein	45. Methyl Chloride	88. Dieldrin
4. Acrylonitrile	46. Methyl Bromide	89. Chlordane (technical mixture and metabolites)
5. Benzene	47. Bromoform	90. 4,4'-DDT
6. Benzidine	48. Dichlorobromomethane	91. 4,4'-DDE
7. Carbon tetrachloride	49. Chlorodibromomethane	92. 4,4'-DDD
8. Chlorobenzene	50. Hexachlorobutadiene	93. Alpha-endosulfan
9. 1,2,4-Trichlorobenzene	51. Hexachlorocyclopentadiene	94. Beta-Endosulfan
10. Hexachlorobenzene	52. Isophorone	95. Endosulfan sulfate
11. 1,2-Dichloroethane	53. Naphthalene	96. Endrin
12. 1,1,1-Trichloroethane	54. Nitrobenzene	97. Endrin aldehyde
13. Hexachloroethane	55. 2-Nitrophenol	98. Heptachlor
14. 1,1-Dichloroethane	56. 4-Nitrophenol	99. Heptachlor epoxide
15. 1,1,2-Trichloroethane	57. 2,4-Dinitrophenol	100. Alpha-BHC
16. 1,1,2,2-Tetrachloroethane	58. 4,6-dinitro-o-cresol	101. Beta-BHC
17. Chloroethane	59. N-Nitrosodimethylamine	102. Gamma-BHC
18. Bis (2-Chloroethyl) ether	60. N-Nitrosodiphenylamine	103. Delta-BHC
19. 2-Chloroethyl vinyl ether (mixed)	61. N-Nitrosodi-n-propylamine	104. PCB-1242
20. 2-Chloronaphthalene	62. Pentachlorophenol	105. PCB-1254
21. 2,4,6-Trichlorophenol	63. Phenol	106. PCB-1221
22. Parachlorometa cresol	64. Bis (2-ethylhexyl) phthalate	107. PCB-1232
23. Chloroform	65. Butyl benzyl phthalate	108. PCB-1248
24. 2-Chlorophenol	66. Di-n-butyl phthalate	109. PCB-1260
25. 1,2-Dichlorobenzene	67. Di-n-octyl phthalate	110. PCB-1016
26. 1,3-Dichlorobenzene	68. Diethyl phthalate	111. Toxaphene
27. 1,4-Dichlorobenzene	69. Dimethyl phthalate	112. 2,3,7,8-Tetrachlorodibenzo-p-dioxin
28. 3,3'-Dichlorobenzidine	70. 1,2-Benzanthracene	113. Antimony
29. 1,1-Dichloroethylene	71. Benzo(a)pyrene	114. Arsenic
30. 1,2-Trans-dichloroethylene	72. 3,4-Benzofluoranthene	115. Beryllium
31. 2,4-Dichlorophenol	73. 11,12-Benzofluoranthene	116. Cadmium
32. 1,2-Dichloropropane	74. Chrysene	117. Chromium
33. 1,3-Dichloropropylene	75. Acenaphthylene	118. Chromium VI
34. 2,4-Dimethylphenol	76. Anthracene	119. Copper
35. 2,4-Dinitrotoluene	77. 1,12-Benzoperylene	120. Cyanide
36. 2,6-Dinitrotoluene	78. Fluorene	121. Lead
37. 1,2-Diphenylhydrazine	79. Phenanthrene	122. Mercury
38. Ethylbenzene	80. 1,2,5,6-Dibenzanthracene	123. Nickel
39. Fluoranthene	81. Indeno(1,2,3-cd) pyrene	124. Selenium
40. 4-Chlorophenyl phenyl ether	82. Pyrene	125. Silver
41. 4-Bromophenyl phenyl ether	83. Tetrachloroethylene	126. Thallium
42. Bis (2-chloroisopropyl) ether	84. Toluene	127. Zinc
	85. Trichloroethylene	

CHAPTER 2

INDUSTRIAL WASTE SURVEY

Sec. 2.1 Purpose

The Industrial Waste Survey (IWS), conducted in 1982, was updated in 1991 to assist the City of Fresno Wastewater Management Division with 40 CFR 403.8(f)(2)(i) which requires the identification and location of all possible industrial users which might be subject to the Pretreatment Program and to identify potential pollutants which could be discharged to the system by the industrial users. The IWS is a screening process to identify all businesses discharging pollutants of concern. Major emphasis may then be focused on businesses suspected or known to have pollutants of concern in their wastewater discharge.

Sec. 2.2 Industrial Mailing List

The first step in identifying possible industrial users was to compile a comprehensive list of businesses that discharge waste into the Fresno-Clovis Metropolitan Wastewater Reclamation Facility. The list of businesses that was included in the Industrial Waste Survey was developed by using the following:

- a) Businesses which currently hold Wastewater Discharge Permits. Information on the existing permittees was entered into the database with the intent of excluding them from the new survey.
- b) City of Fresno Water Use Records. This report was used to identify businesses that use more than 25,000 gallons of water per day.
- c) City of Fresno, Water Division Backflow Prevention Installation Listings. This report provided addresses of any water service connection which required a backflow prevention device.
- d) City of Fresno, Department of Finance, Revenue Division, License and Permits Section. City business licenses served as the primary mechanism to identify potential industrial users. Listings of various business types to be included in the IWS were generated. The categories used in the IWS included schools, paint related, cleaners, petroleum, service stations, photograph processing, auto repair, restaurants, grocery stores, printing, pest control, plumbing, lab/medical and "other industries."
- e) City of Fresno, Utility billing and Collection Section, Sewer Billing Report. The listing of sewer services was used to check for potential industrial users which may be located outside the City of Fresno but connected to the Fresno wastewater facilities.
- f) City of Clovis, Finance Department, Business License Division. As with the City of Fresno, Clovis business licenses served as the primary mechanism to identify potential industrial users.
- g) City of Clovis, Water Billing Report. This report was used to check for potential industrial users which may be outside the City but served by the City system

- h) City of Clovis, Sewer Billing Report. This report was used to check for potential industrial users which may outside the City but served by the City system.
- i) Pinedale Public Utility District, Billing Report. This list of water users in the Pinedale service area was used to check for potential industrial users served by the Fresno wastewater facility.
- j) Pinedale County Waster District, Billing Report. This report was used to check for potential industrial users which may be served by the Fresno wastewater facility.
- k) Fresno Country and City Chamber of Commerce Industrial Directory. This directory was reviewed to identify any potential industrial users which may not have been found through the other listings.
- l) Pacific Bell telephone Directory for Fresno-Clovis. A review of the yellow pages resulted in the identification and inclusion of potential industrial users which were either not listed in the business license categories selected for the IWS, or were new to the area and served by the Fresno wastewater facility.

A total of 3,607 businesses were surveyed. This included 3,081 businesses in Fresno and 526 in Clovis.

Sec. 2.3 Survey Questionnaire

An Industrial Waste Survey questionnaire (IWSQ) was mailed to all possible industrial users identified through the source review. This IWSQ was identified and used as Part A of the Wastewater Discharge Permit Application. The remainder of the application will be sent by Wastewater Management Division to those businesses for which additional information is required for the permitting process. The IWSQ included the following documents:

- a) Cover Letter. This explained the purpose of the IWSQ, legal authority, response required and return deadline.
- b) Wastewater Discharge Permit Application, Part A. This form includes information on the name and location of the business, names, addresses and telephone numbers of the authorized representatives of the industry and the product or service the business provides. A signature of an authorized official of the business was required. This part of the application required a description of the business activities, types of wastes, method of discharge, waste hauler identification and a description of any pretreatment equipment or facilities.
- c) Postage-paid Return Envelope. A return envelope was provided in order to expedite IWSQ return and tracking.

Sec. 2.4 Follow-up Activities

Names and addresses of all the businesses included in the IWS were tabulated into a computer database for tracking. As each survey response was received, it was reviewed for completeness and entered into the system. During the IWS, the database was maintained with each business being listed as one of the following:

- a) IU category assigned
- b) No permit required
- c) No survey response
- d) Additional information required for determination

If additional information was required, the business was contacted to attempt to complete the survey form. If an incomplete survey form was received, it was entered into the database and the form was sent back to the business for completion. A copy of the first submittal was retained.

For questions concerning the IWSQ, a contact person and telephone number were given in the cover letter. One person was designated to answer or return calls to any inquiries received. All business inquiries were logged by day, time, business name and comments.

A second letter and IWSQ was sent to businesses which did not respond to the first letter and calls. This letter stated the legal authority for the IWSQ and demanded a response.

Site visits were then conducted to businesses which did not respond in order to attempt to identify potential industrial users or eliminate the business from further consideration in the pretreatment program. These visits did not include businesses which were easily categorized.

The specific methodology of the site visits included the following:

- 1) Upon learning the nature of the business activity, the observer made a determination as to whether or not the business could be eliminated from the survey.
- 2) If the business could be eliminated, the reason was recorded on the site visit form, along with the date and time of the visit.
- 3) If the business could not be eliminated, another IWSQ was left at the location. The name of the person receiving the form was recorded along with date and time of the visit.
- 4) Information was recorded on the site visit form to clarify the type of business activity and other pertinent observations.

Sec. 2.5 Evaluation

The general methodology used to evaluate each IWSQ was to review the business to identify the nature of the business, the chemicals used or stored, the estimated volume of wastewater discharged and the potential for discharge of pollutants to the POTW.

Based on the information provided in the IWSQ and gathered from subsequent telephone calls, each business was listed in categories established in the National Pretreatment Program.

In recognition of the varying nature of industrial users served by the Fresno-Clovis Metropolitan Wastewater Reclamation Facility, the categories were further defined, retitled, and expanded into six classifications. A description of the classifications is listed below.

Class I: Significant Industrial Users

Individual permits will be issued to any industry a) subject to national categorical pretreatment standards; b) discharging 25,000 gallons per day or more of process wastewater to the POTW based on effluent meter readings or other such methods so as to determine the effluent volume; c) consume more than 27,500 GPD; d) contributing a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant; or e) found by the Control Authority to have reasonable potential of adversely affecting the POTW operation or for violating any pretreatment standard or requirement. Under normal conditions, Class I permits will be for one year. Industrial users in this class are broken down into the following subclasses:

- a) Industries that are subject to national categorical pretreatment standards
- b) Non-categorical industries having an effluent discharge of 25,000 GPD to 50,000 GPD
- c) Non-categorical industries having an effluent discharge of 50,001 GPD to 100,000 GPD
- d) Non-categorical industries having an effluent discharge of 100,001 GPD to 500,000 GPD
- e) Non-categorical industries having an effluent discharge of 500,001 GPD or more
- f) Non-categorical industries having an effluent discharge less than 25,000 GPD but which contains priority pollutants in a concentration that may have a potential impact on the collection system or the POTW

Class II: Non-significant Industrial Users (Revenue-sampled Industrial Users)

Industries in this class have an effluent discharge less than 25,000 GPD with a BOD concentration greater than 265 mg/L and/or TSS greater than 300 mg/L, and do not have a well characterized waste stream. These are industries who discharge process wastewater to the public sewer in amounts, on a routine basis, that have little or no singular impact on the wastewater collection system, wastewater treatment plant, the quality of sludge or the quality of the effluent. Routine sampling and analysis of their wastewater will be required for revenue determination purposes. Class II permits may be issued for periods greater than one year, but not longer than five years. Industrial users in this class are broken down into the following subclasses:

- a) Non-significant industries having an effluent discharge less than 10,000 GPD
- b) Non-significant industries having an effluent discharge of 10,000 GPD to 24,499 GPD

Class III: Commercial/Industrial Dischargers with Well characterized Waste streams

This class consists of commercial/industrial users having a potential impact on the POTW. These users may be required to install a grease interceptor or other type of pretreatment system, but scheduled monitoring is not required. Because of the nature of their business activity and a well characterized waste stream, routine sampling will be required. Class III permits may be issued for periods of up to five years.

Class IV: Special Case

Users in this class are those requiring special permits for a one-time discharge of wastewater into the collection system (batch discharge) or for discharging wastewater for a specific period of time (interim discharge). Sampling and analysis of their wastewater may be required prior to approving and issuing a permit. Class IV permits may be issued for either specified volumes or specified time periods.

Class V: Dry Industries – No Process Wastewater

This class includes industries or commercial users having no process wastewater discharge, but may have product or hazardous materials stored on site which may require spill prevention measures. Permits are not required for Class V dischargers.

Class VI: Residential

This class consists of residential users. No permit is required.

Sec. 2.6 Maintenance of Database

The methods used in the identification of industries located within and outside the City of Fresno and updating the information in the database is found in Chapter 5, Sec. 5.2 and 5.3.

Sec. 2.6.1 Point Source Category Project

In 2006, the Point Source Category Project was conducted to identify businesses that discharge to the Fresno-Clovis Regional Wastewater Reclamation Facility and who are subject to Categorical Pretreatment Standards. A phone book search was conducted to find possible Categorical Industrial Users. A total of sixty-two businesses or industries were investigated. Fifty-nine did not require permits. Two businesses regulated under 40 CFR Part 433 were issued Class V discharge permits.

CHAPTER 3

LEGAL AUTHORITY

Sec. 3.1 General

The EPA promulgated regulations (40 CFR 403) requiring pretreatment of existing and new sources of pollution. Implementation of a successful Pretreatment Program depends on the City's power to enforce these rules and regulations on industrial dischargers and to obtain data required to monitor industrial compliance. An effective Municipal Code relating to sewer and water disposal provides Fresno with the necessary legal authority for regulating dischargers to the sewer system. The Fresno POTW is a regional treatment facility that treats wastewater discharges from Clovis and certain unincorporated areas of the County of Fresno located in and around the city. Joint powers agreements have been made with both Clovis and the County of Fresno to allow the regulation of discharges from these areas. The discussion of Fresno's legal authority for implementation and enforcement of the Pretreatment Program is divided into the Fresno Municipal Code and joint powers agreements.

Sec. 3.2 Fresno Municipal Code

The mandate for legal authority required to enforce a Pretreatment Program is identified in 40 CFR 403.8(f). The Fresno Municipal Code has been modified to meet industrial pretreatment requirements, reviewed by the city attorney, and adopted by the city council. In 2007, the Code was reformatted such that the original Chapter 9, Article 5 became Chapter 6, Article 3. All existing documents that refer to the previous code citations are valid under the reformatted as was stated in one of the findings and declarations of the council when adopting the ordinance:

"D. It is the Council's intent that in amending this Code by this Code Reorganization Ordinance, whether the amendment be by express amendment, by repeal and re-enactment, by new titling or by renumbering of a provision, if the amendment is substantially the same as any Code provision previously adopted and relating to the same subject matter, the amendment shall be construed as a restatement and continuation of the previous provision, and not as a new enactment."

All subsequent references to the Code will be with the new format.

Later amendments incorporated updates to the General Pretreatment Regulations (40 CFR 403) and added the Fats, Oils, and Grease Program as part of the ordinance. A copy of the latest revision of the Fresno Municipal Code is found in Appendix B. The authority required is in Chapter 6, Article 3, Section 6-301. A list of the applicable sections of the municipal code is summarized in Table 3-1.

Sec. 3.3 Joint Powers Agreements

The City of Fresno has joint powers agreements with the City of Clovis (Appendix C) and the County of Fresno (Appendix D). The agreements give the City of Fresno the right to implement and enforce its Pretreatment Program in each of these jurisdictions. A discussion of each agreement with respect to industrial pretreatment follows.

Sec. 3.3.1 The City of Clovis

The Pretreatment Program is adopted by Fresno and Clovis in Section 7.01. Fresno is also designated as the agency primarily responsible for implementing the Pretreatment Program in this section.

In Section 7.02, Clovis agrees to incorporate into their sewer ordinance sections pertaining to wastewater that are no less stringent than the Fresno Municipal Code. Clovis also agrees to include, in their Municipal Code, sections which address, directly or by reference, Section 6-301 (General Provisions; Purpose and Policy), Section 6-302 (Definitions), Section 6-314 (Conditions of Sewer Service), Section 6-315 (Monitoring Facilities), Section 6-316 (Pretreatment), Section 6-317 (Additional Pretreatment Measures), Section 6-318 (Hauled Wastewater), Section 6-319 (Problem Discharges), Section 6-320 (Emergency Slug Control and Response Plan), Section 6-321 (Confidential Information), Section 6-322 (Rights of Inspection and Sampling), Section 6-323 (Enforcement), Section 6-327 (Discharge Prohibitions), Section 6-334 (Sewer Connections; Premises outside City), and Section 6-336 (Reporting Requirements for Industrial Users).

Fresno is responsible for identifying industrial users in Clovis, under Section 7.03, and for monitoring and sampling Clovis industrial users under Section 7.05. Section 7.05 also identifies the wastewater discharge permit issued by Fresno as the control mechanism to regulate discharges.

Although mentioned by reference under Section 7.01, Section 7.06 reinforces the agreement that Clovis will incorporate into its Municipal Code the same general prohibitions, specific prohibitions, and local limits as found in Section 6-327 of the Fresno Municipal Code.

Fresno is recognized in Section 7.07 as the primary responsible agency for identifying violations in Clovis and implementing its Enforcement Response Plan. Enforcement, as addressed in Section 6-323 of the Fresno Municipal Code, is also applicable in the event an industry in Clovis fails to adhere to the provisions of the Enforcement Response Plan.

Sec. 3.3.2 County of Fresno

Article XII of the Joint Powers Agreement recognizes the applicability of the Pretreatment Program to those industrial users located outside the jurisdictional boundaries of the City of Fresno but within Fresno County. In addition, Fresno County agrees that the City is the primary responsible agency for monitoring and enforcing the pretreatment standards and other provisions of the Pretreatment Program. The County also recognizes, under Section A, the applicability and enforceability of the pretreatment standards and local limits established in the Pretreatment Program.

The City of Fresno is responsible for monitoring the compliance of industrial users with all applicable pretreatment standards under Section C, and is authorized, under section D, to conduct facility inspections and other monitoring and sampling duties as necessary to verify compliance.

Under Section E, the City of Fresno agrees to be the primary responsible agent for identifying violations and is authorized to act on the County's behalf when conducting all necessary enforcement as set forth in Section 6-323 of the Fresno Municipal Code.

TABLE 3-1
Legal Authority Summary - Fresno

Title	Section of Municipal Code
A. Definitions	
1. Approval Authority	6-302(a)(3)
2. Best Management Practices	6-302(b)(1)
3. Compliance Schedule	6-302(c)(8)
4. Control Authority	6-302(c)(10)
5. Enforcement Response Plan	6-302(e)(1)
6. Existing Food Service Establishment	6-302(e)(3)
7. Food Service Establishment	6-302(f)(2)
8. Grease Interceptor	6-302(g)(2)
9. Grease Revomal Device	6-302(g)(3)
10. Grease Trap	6-302(g)(4)
11. Indirect Discharge or Discharge	6-302(i)(2)
12. Industrial User or User	6-302(i)(3)
13. Interference	6-302(i)(5)
14. New Food Service Establishment	6-302(n)(2)
15. New Source	6-302(n)(3)
16. Pass Through	6-302(p)(1)
17. Pretreatment Rquirement	6-302(p)(8)
18. Pretreatment Standards	6-302(p)(9)
19. Prohibited Discharge Standards or Prohibited Discharges	6-302(p)(10)
20. Sanitary Sewer Overflow	6-302(s)(1)
21. Signifiant Industrial User	6-302(s)(8)
22. Significant Noncompliance	6-302(s)(9)
23. Slug or Slug Load	6-302(s)(10)
24. Storm Water	6-302(s)(14)
25. Wastewater Discharge Permit or control Mechanism	6-302(w)(1)
B. Prohibited Discharges	
1. General Prohibitions	
a) Interference	6-327(a)
b) Pass Through	6-327(a)
2. Specific Prohibitions	
a) Fire or explosion hazard	6-327(b)(1)
b) Corrosion causing or with a pH less than 5.0	6-327(b)(2)
c) Solid or viscous pollutants	6-327(b)(3)
d) Oxygen demanding pollutants which will cause interference	6-327(b)(4)
e) Heat exceeding 40 °C (104 °F) at POTW	6-327(b)(5)
f) Petroleum/nonbiodegradable/cutting/mineral oils causing interference	6-327(b)(6)
g) Pollutants that create toxic gases, vapors, or fumes	6-327(b)(7)
h) Trucked or hauled wastes except as designated	6-327(b)(8)
3. Enforceable Local Limits	6-327(d), (g)
4. National Categorical Standards	6-327(c)
5. Prohibition Against Dilution as Treatment	6-330

TABLE 3-1
Legal Authority Summary - Fresno

Title	Section of Municipal Code
C. Control Discharges to POTW System	
1. Deny or Condition New or increased contributions	6-335(d)
2. Individual Control Mechanisms	6-335(a), (b)
a) Statement of duration	6-335(g)(1)(i)
b) Statement of nontransferability	6-335(g)(1)(ii)
c) Effluent limits	6-335(g)(1)(iii)
d) Self-monitoring and other reports	6-335(g)(1)(iv)
e) Applicable civil and criminal penalties	6-335(g)(1)(v)
3. Emergency Slug Control and Response Plan biennial evaluation	6-320
4. Compliance Schedule requirement	6-335(g)(2)(vi), 6-336(g)
D. Sampling and Reporting requirements	
1. US EPA approved procedures	6-336(l)
2. Representative sampling	6-336(l)(1)
3. Reporting requirements	6-336
a) Wastewater Discharge Permit Application	6-335(e)
b) Baseline monitoring report	6-336(a)
c) Ninety-day compliance report	6-336(b)
d) Periodic compliance report	6-336(c)
e) Flow monitoring report	6-336(d)
f) Self-monitoring report	6-336(e)
g) Detected violation and repeat sampling	6-336(f)
h) Compliance schedule	6-336(g)
i) Notification of the discharge of hazardous waste	6-336(i)
j) Reports of changed conditions	6-336(j)
k) Reports of potential problems	6-336(k)
l) Sample information	6-336(m)
m) Authorized signature	6-336(n)
n) Annual certification by non-significant categorical users	6-336(r)
4. Record keeping requirements	6-336(p)
E. Inspection and Monitoring Procedures	
1. Rights of entry	6-322(a)
2. Rights to inspect	6-322(a)
3. Rights to collect samples	6-322(a)
4. Rights to monitor	6-322(b)
5. Rights to surveillance monitoring	6-322(b)
6. Prompt access to facilities	6-322(c)
7. Access to records	6-322(a)
F. Fats, Oils, and Grease Program	
Title	6-321.1(a)
Purpose	6-321.1(b)
General FOG discharge prohibitions	6-321.1(c)

TABLE 3-1
Legal Authority Summary - Fresno

Title	Section of Municipal Code
F. Fats, Oils, and Grease Program (continued)	
Specific FOG discharge prohibitions	6-321.1(d)
Best management practices	6-321.1(i)
FOG pretreatment required	6-321.1(j)
Grease interceptor maintenance requirements	6-321.1(o)
Grease trap maintenance requirements	6-321.1(q)
G. Enforcement	
1. Authority to enforce the Fresno Municipal Code	6-323(a)
2. Available remedies	6-323(c)
3. Enforcement Response Plan	6-323(d)
4. Administrative citation	6-323(e)
5. Permit revocation	6-323(f)
6. Show cause hearing to terminate service	6-323(g)
7. Appeals	6-323(g)(4)
8. Emergency suspensions	6-324
9. Publication of users in significant noncompliance	6-326
H. Confidential Information	
1. Public access	6-321(a)
2. Access to governmental agencies	6-321(b)
3. Effluent data unrestricted	6-321(c)
I. Optional Provisions	
1. Bypass	6-331
2. Upset	6-336(q)

CHAPTER 4

MONITORING PROGRAM

Sec. 4.1 General

The success of the Pretreatment Program requires a comprehensive and well planned monitoring program. This program allows for updating industrial user process information, ascertaining industrial user discharge compliance, and determining the potential for toxic discharges. The scope of the monitoring surveillance program may be expanded or reduced as experience dictates, to protect the treatment plant processes, ensure effluent quality, and guard against the possibility of having the sludges generated at the plant being unacceptable for disposal and/or reuse.

Sec. 4.2 Sampling and Analysis

The sampling of industrial users is done by Wastewater Management. The Fresno Municipal Code grants the right of entry to industrial sites upon presentation of appropriate identification. Samples are submitted to the Wastewater Management Laboratory, or if necessary, a private laboratory, for analysis. The Wastewater Management Laboratory is certified by the State of California, Department of Health Services Environmental Laboratory Accreditation Program (ELAP) for water and wastewater analysis.

Sec. 4.3 Industrial Monitoring

(a) Compliance Sampling

Permitted industries on the compliance monitoring schedule are those industries that have maintained compliance for six consecutive months and are sampled according to the following schedule:

Parameter	Sampling Frequency
Cyanide	Semiannually
Metals (categorically-regulated industries)	Two days quarterly
Metals (industrial laundries)	Semiannually
Metals (low impacting industries)	Annually
Oil and grease (impacting industries)	Quarterly
Oil and grease (non-impacting industries)	Annually
pH	Annually or semiannually, depending on historical data
Total Toxic Organics	Annually
Volatile organics (industrial laundries only)	Annually

(b) Enforcement Sampling

Permitted industries that have incurred a violation of categorical pretreatment standards and/or local limits are placed on the enforcement sampling schedule. The sampling frequency varies according to the level of enforcement as follows:

Level of Enforcement	Sampling Frequency
Warning Notice	Resample within thirty (30) days after the industrial user submits the corrective action completion report
Violation Notice – Discharge	At least bimonthly for a period of six (6) months from the date of the last violation
Consent Order	At least monthly for a period of six (6) months from the date of the last violation
Compliance Order	At least monthly for a period of six (6) months from the date of the last violation

(c) Revenue Sampling

Permitted industries that meet the criteria for revenue sampling, as outlined in the Fresno Municipal Code, are sampled for biochemical oxygen demand and total suspended solids, the average of which is calculated for each two-month billing period to determine the strength for billing purposes. Electrical conductivity and pH are also checked. The industrial users must provide an adequate sampling site.

Sec. 4.4 Self-monitoring

In addition to POTW monitoring, significant industrial users within the system may be required to perform their own sampling and analysis. Any type and frequency of samples to be collected will be established in the wastewater discharge permit. When applicable, significant industrial users will be required to submit self-monitoring reports to the Wastewater Management Division a minimum of two times a year. Increased frequency may be required, if necessary, with such conditions being modified in the appropriate sections of the users' wastewater discharge permits. All analyses must be performed by a laboratory that is certified for water and wastewater analysis by the State of California, Department of Health Services Environmental Laboratory Accreditation Program (ELAP).

Sec. 4.5 Monitoring Data

All data obtained from industry self-monitoring and POTW monitoring are compared with discharge limitations contained in the Fresno Municipal Code and applicable categorical standards.

Sec. 4.6 Laboratory Facilities

All analyses are performed at ELAP-certified environmental testing laboratories pursuant to the provisions of the California Environmental Laboratory Improvement Act of 1988 (Health and Safety Code, Division 1, Part 2, Chapter 7.5, commencing with Section 1010). Standard analyses required under the Industrial Pretreatment Program include pH, organic compounds, metals, oil and grease, and cyanide.

Sec. 4.7 Sample Collection

Samples should be collected using appropriate sampling techniques and handled as little as possible.

A label should be attached to the sample container at the time of collection. The label shall contain a sample identification number, the date and time collected, and the name or initials of the person collecting the sample.

Field measurements or notes should be recorded onto a sample tracking sheet. The field data should be in sufficient detail to refresh the memory of sampling personnel if necessary. The sample tracking sheets should be maintained and stored in a safe place where they can be accounted for at all times. Entries should be signed by the person taking the sample and errors crossed out with one line and initialed.

The person taking the sample is responsible for the care and custody of the sample and must assure that each container is in his/her physical possession or in view at all times or is stored such that sample integrity is maintained.

Sec. 4.8 Chain of Custody

Sample tracking and chain of custody procedures have been developed and are utilized as part of the Industrial Pretreatment Program. Chain of custody procedures document traceable possession of samples to demonstrate that sample integrity is maintained. The primary objective is to create an accurate written record which can be used to trace possession of the sample from collection through analysis. Custody consists of actual physical possession, accessible only to authorized personnel. A sample chain of custody form is found in Appendix E.

Sec. 4.8.1 Transfer of Custody

When transferring custody, the transferee must sign and record the date and time on the chain of custody record. The person collecting the samples is responsible for properly packaging and dispatching those samples to the laboratory for analysis. Samples shipped to an outside laboratory shall be packaged to avoid breakage; shipping containers shall be secured for delivery to the receiving laboratory.

All samples should be accompanied by a sample transmittal form which includes information identifying the contents. If samples cannot be delivered to the laboratory when appropriate personnel are available to receive them, they must be stored and locked in a secure area (accessible only to authorized personnel) to maintain sample integrity.

Sec. 4.8.2 Laboratory Custody Procedures

The Wastewater Management Division Laboratory has two Senior Laboratory Technicians that act as sample custodians for the management and handling of the samples deposited for analysis. The laboratory contains refrigerators that can be securely locked. The sample custodians log the samples into a Laboratory Information Management System (LIMS) to record all appropriate information about the samples. This information shall include:

- (a) The name of the person(s) from whom the samples are received

- (b) Identification numbers
- (c) Preservation performed prior to sample receipt
- (d) The requested analyses
- (e) Any problems or discrepancies

The custodian next affixes a unique laboratory number to the sample and oversees the preservation of the samples, if necessary. The samples are stored in appropriate storage areas.

The custodian shall inspect the sample containers for any signs of tampering and record any inconsistencies at this time. The custodian oversees the distribution of the samples to the appropriate laboratory personnel for analysis. Once the sample testing is completed, the unused portion of the sample, along with any identifying tags and seals, shall be returned to the custodian and placed back in the appropriate storage areas. Samples are retained until the analyses are completed and the results have been reviewed by the Laboratory Supervisor and the Supervising Environmental Control Officer.

CHAPTER 5

PERMITTING PROCEDURES

Sec. 5.1 General

Permitting of industries under the Pretreatment Program requires knowledge of the General Pretreatment Regulations (40 CFR 403), the various Point Source categories, any other federal regulations specific to a particular categorical industry as they move into the area, State of California Administrative Code Title 22, and the Fresno Municipal Code, specifically Chapter 6, Article 3. Chapter 5 describes the permitting process and the reporting procedures required by the program.

Sec. 5.2 Identification Procedures within Fresno Jurisdiction

- (a) Industries building new facilities in the City of Fresno must submit construction plans to the Development Department. The plans are sent to Wastewater Management for review to determine if a wastewater discharge permit is required.
- (b) Work Orders from the Utilities Billing and Collection Division are submitted to Wastewater Management for review to determine the user's billing category.
- (c) Wastewater Management also identifies industries wanting to locate within the service area through other industries, publications and other agencies.
- (d) The data base is kept current by conducting on-going surveys of industrial parks to determine the classification of the businesses located therein.

Sec. 5.3 Identification Procedures outside Fresno Jurisdiction

- (a) Industries building new facilities in the City of Clovis must submit plans to the City of Clovis for review and approval. If it is determined the applicant is an industrial user, the City of Clovis notifies Wastewater Management. The plans are sent to Wastewater Management for review to determine if a wastewater discharge permit is required.
- (b) Industries planning to build new facilities in unincorporated areas located within the sewer service area must submit construction plans to the City of Fresno Development Department for approval. The plans are sent to Wastewater Management for review to determine if a wastewater discharge permit is required.
- (c) The data base is kept current by conducting on-going surveys of industrial parks located in the unincorporated areas to determine the classification of the businesses located therein.

Sec. 5.4 Guidelines for Reviewing Permit Applications

The Fresno Municipal Code requires all significant industrial users to apply for a wastewater discharge permit. New industries subject to categorical pretreatment standards are required to submit a baseline monitoring report at the time of the application for a wastewater discharge

permit. The application and the baseline monitoring report are to be submitted at least ninety (90) days prior to commencement of discharge.

Sec. 5.4.1 Application

The application will serve as a formal request for a wastewater discharge permit and will provide Wastewater Management information concerning business activities; production processes and volume; water sources/ usage and wastewater discharge volume; constituents in the wastewater; pretreatment equipment; disposal of pretreated wastes and spent chemicals; and stormwater Best Management Practices (BMPs).

Upon receipt of a completed wastewater discharge permit application, Wastewater Management will review the application and conduct a detailed inspection to evaluate the applicant's wastewater discharge characteristics. An example of a wastewater discharge permit application is found in Appendix F. An example of the inspection report is found in Appendix G.

Sec. 5.4.2 Baseline Monitoring Reports

At least ninety (90) days prior to commencement of discharge, New Sources subject to an existing Categorical Standard, shall be required to submit to Wastewater Management a report which contains the information listed in 40 CFR 403.12(b)(1-5). New Sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in 40 CFR 403.12(b)(4) and (5).

The POTW may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment. The baseline monitoring report shall indicate the time, date and place, of sampling and methods of analysis and certify that such sampling analysis is representative of normal work cycles and expected pollutant discharge to the POTW.

Sec. 5.4.3 Ninety-day Compliance Report

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or in, the case of a New Source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to Wastewater Management a report containing the information described in 40 CFR 403.12(b)(4-6).

Sec. 5.5 Wastewater Discharge Permit

The permit authorizes the user to discharge wastewater to the POTW and lists conditions that must be met for its duration. The permit is modified to include all conditions that are applicable to the industry. An example of the Significant Industrial User Class I Wastewater Discharge Permit is found in Appendix H.

CHAPTER 6

ENFORCEMENT PROGRAM

Sec. 6.1 General

Federal and State regulations emphasize local enforcement of national and local pretreatment standards where local pretreatment programs are approved. The purpose of the enforcement program is to develop procedures to be followed by Wastewater Management Division, as the Control Authority, in response to instances of noncompliance by industrial users, liquid waste haulers that discharge to the facility, and for Food Service Establishments discharging to the POTW. When staff identifies a violation, they respond with appropriate action and follow up on those violations with escalating levels of enforcement, if necessary, to ensure compliance. The Fresno Municipal Code is the legal basis for the enforcement program. The Enforcement Response Plan (ERP) for discharge, administrative, and other issues is presented in Appendix I.

The objectives of the enforcement program are:

- (a) To ensure that all industries are monitored to determine compliance status
- (b) To ensure that violators return to compliance as quickly as possible
- (c) To encourage all users to maintain compliance
- (d) To help industries identify and prevent conditions that could become violations
- (e) To recover costs incurred by Wastewater Management as a result of noncompliance

Sec. 6.2 Responsible Personnel

The Control Authority shall be responsible for the enforcement of the Fresno Municipal Code. It is also responsible for preparing, adopting, administering and enforcing this Pretreatment Program through the Enforcement Response Plan. Industrial users outside the jurisdiction of the City of Fresno but discharging to the POTW are monitored by the Control Authority as established through Joint Powers Agreements with the City of Clovis and the County of Fresno whose ordinances adopt the Pretreatment Program and incorporate regulations equivalent to the Fresno Municipal Code as agreed in each respective Joint Powers Agreement.

Sec. 6.2.1 Environmental Control Officers

Members of this group are responsible for inspecting and permitting industrial users, acting as the industry's liaison for assistance and guidance in the interpretation of codes and regulations applicable to the Pretreatment Program, and recommending and implementing all enforcement actions. They also perform compliance and enforcement sampling of industrial users.

Sec. 6.2.2 Laboratory Personnel

The laboratory section, under the direction of the Laboratory Supervisor, is responsible for proper chain of custody and performing analyses of compliance samples, enforcement samples, revenue samples, and in-plant samples.

Sec. 6.2.3 Supervising Environmental Control Officer

This position is responsible for maintaining the Pretreatment Program, developing local limits, assigning projects within various areas, and establishing policies to make the program consistent for all users.

Sec. 6.2.4 Chief of Wastewater Environmental Services

This position administers and is ultimately responsible for the successful implementation and overall success of the Pretreatment Program.

Sec. 6.2.5 Assistant Director of Public Utilities

The individual in this position is responsible for compliance with the terms and conditions of the Division's Waste Discharge Requirements. He/she will oversee the operation, maintenance, and protection of the POTW. He/she will also be responsible for employee safety, sludge use and disposal, and effluent quality.

Sec. 6.2.6 Director of Public Utilities

The Director of Public Utilities, besides being the head of the department, serves as hearing officer on show cause hearings and recommends further action. Another City official may be designated to serve on show cause hearings in place of the director.

Sec. 6.3 Evaluation of Violation Significance

Violations are classified as being discharge, administrative, or other. The EPA recommends that the Control Authority respond to any instance of noncompliance with an enforceable order or warning that requires a return to compliance by a specific deadline.

Sec. 6.3.1 Discharge Violations

A discharge violation is one in which an industrial user exceeds the pretreatment standards established in its applicable section of the Code of Federal regulations, the Fresno Municipal Code, and/or in its Wastewater Discharge Permit.

Sec. 6.3.2 Administrative Violations

Administrative violations refer to those instances of noncompliance that are non-discharge in nature in which specific documents have not been submitted, or Municipal Code or Wastewater Discharge Permit requirements are not being satisfied.

Sec. 6.3.3 Other Violations

Other violations cover issues that technically do not come under the category of administrative or discharge violation, but may require enforcement action. Examples would include an industry failing to maintain their composite sampler or effluent meter used for revenue sampling and billing.

Sec. 6.4 Administrative Citation

An administrative citation is an official communication from the Environmental Services Section to the noncompliant industrial user informing them that violation has occurred. It can be in the form of a Warning Notice, Notice of Violation, Notice of Noncompliance, Pending Consent Order and its subsequent Consent Order following a meeting with industry representatives, Pending Compliance Order and its subsequent Compliance Order following a meeting with industry representatives, or notice of a pending show cause hearing.

Sec. 6.5 Corrective Actions

Corrective actions are set for discharge violations. These actions may be initiated by the industry or, as necessary, by the Environmental Services Section.

Sec. 6.6 Legal Action

Legal action may be necessary to enforce program requirements. The Director shall provide the City Attorney's Office a written review of the significance of the violation, including an estimate of damages incurred or to be incurred. The City Attorney's Office will recommend the form of legal action to be taken.

Sec. 6.7 Cost Recovery Charges

Every industry is assessed a pretreatment surcharge monthly to help fund the cost of maintaining the Pretreatment Program. The surcharge allows for an established number of inspections and monitoring activities. Industries that have incurred a violation require additional inspections, file reviews, and monitoring beyond that covered by the surcharges. Costs for additional activity as a result of discharge, administrative, or other violations are recovered by being charged back to the violating industry.

Sec. 6.8 Penalties

To encourage violating industries to stay in compliance or return to compliance as soon as possible, fines may be issued in conjunction with an administrative citation. The fines increase as the level of enforcement increases. An industry that has been issued a Warning Notice is assessed a fine of \$250. An industry that has been issued a Notice of Violation is assessed a fine of \$500. A Consent Order is associated with a fine of \$750 and a Compliance Order is accompanied with a fine of \$1,000. A Show Cause Order also has a fine of \$1,000 associated with it. In addition to this set schedule of fines, the Control Authority may, with the assistance of a city attorney, pursue fines of up to \$25,000 per violation per day if needed.

If an industry incurs a violation while working under a compliance schedule (regardless of the level of enforcement) will receive a Notice of Noncompliance for each instance. A fine of \$250 is assessed for each Notice of Noncompliance.

Sec. 6.9 Appeals

Any order or citation issued, or fine assessed, is subject to appeal pursuant to Chapter 1, Article 4 of the Fresno Municipal Code. Users shall be notified of their right to appeal at the time the order or citation is issued.

Sec. 6.10 Public Notification

Wastewater Management complies with the public participation requirements of 40 CFR 403.8(f)(2)(viii). Among these requirements is, at a minimum, the annual public notification in a newspaper of general circulation of a list of significant industrial users which were considered to be in Significant Noncompliance during the previous twelve months. Public notification complies with the public participation requirements of 40 CFR Part 25 in the enforcement of national pretreatment standards.

CHAPTER 7

FATS, OILS, AND GREASE (FOG) CONTROL PROGRAM

Section 7.1 Title

This document shall hereafter be known as the “FOG Control Program” or “FOG Program”.

Section 7.2 Purpose

The purpose of the FOG Control Program is to reduce Sanitary Sewer Overflows (SSOs) and blockages, and to protect public health and the environment by minimizing public exposure to unsanitary conditions. By controlling the discharge of FOG to the wastewater collection system, excessive buildup in sewer lines can be lessened, thereby increasing the system’s operating efficiency and reducing the number of sewer line blockages and overflows. Protecting the collection system, a part of the Publicly Owned Treatment Works (POTW), in this manner places this FOG Program under the auspices of the Pretreatment Program.

Section 7.3 Legal Authority

Implementation of a successful FOG Program depends on the City’s power to enforce rules and regulations on non-domestic sources of wastewater. Authority to implement the FOG Program is based on the fact that SSOs are spills that have the potential to enter either Waters of the United States or storm basins, both of which are regulated under the Clean Water Act. As part of the Clean Water Act, the Environmental Protection Agency promulgated the General Pretreatment Regulations, 40 CFR 403, and required municipalities to establish local authority, in this case, Chapter 6, Article 3, Sections 6-301 through 6-341 of the Fresno Municipal Code. The FOG Program has been incorporated into the Fresno Municipal Code as Section 6-321.1.

Authority to implement the Pretreatment Program in Clovis and the unincorporated areas of Fresno that discharge to the POTW is granted under Joint Powers Agreements with the City of Clovis and the County of Fresno, respectively.

Section 7.4 Characterizing FOG Sources

It is important to identify potential sources of FOG problems and address those areas before a SSO occurs. This begins by requesting historical records from the Sewer Maintenance Division regarding “hot spots” within the collection system. A hot spot is an area within the collection system that requires frequent maintenance.

A systematic approach to characterizing FOG sources is as follows:

1. Identify problem sites within the collection system based on SSOs, extent of cleaning frequency, types of materials being removed during cleaning
2. View the line and record the data using a TV camera

3. Categorize the hot spots by the cause of the operational problems (e.g., roots, FOG, structural issues).

If a problem is FOG-related, the source will be identified by noting the location of the blockage in relation to dischargers connected to the collection system.

Section 7.5 Regulatory Requirements

The City of Fresno has established and incorporated a FOG ordinance into the Fresno Municipal Code. The ordinance is within Chapter 6, Article 3 and includes a title and purpose, definitions specific to FOG, permit requirements for Food Service Establishments (FSEs), pretreatment requirements, general prohibitions, specific prohibitions, Best Management Practices requirements, and other monitoring and reporting requirements as necessary.

Section 7.5.1 Pretreatment

To date, the best means of controlling FOG is the use of a grease removal device such as a grease interceptor or grease trap. Food Service Establishments will be required to install, operate and maintain an approved-type and adequately-sized grease removal device necessary to maintain compliance with the objectives of this program. The grease removal device shall be adequate to separate and remove FOG contained in wastewater discharges from Food Service Establishments prior to discharge to the sewer system. Fixtures, equipment, and drain lines located in the food preparation and clean up areas of Food Service Establishments that are sources of FOG discharges shall be connected to the grease removal device.

Section 7.5.2 New Construction of Food Service Establishments

New Food Service Establishments shall install and properly maintain an adequately-sized grease interceptor prior to commencing discharges of wastewater to the sewer system.

Section 7.5.3 Existing Food Service Establishments

Existing Food Service Establishments undergoing remodeling or change in operations will be required to install and properly maintain an adequately-sized grease interceptor. FSEs in hot spots, which have caused or contributed to grease-related blockages in the sewer system, or which have sewer laterals connected to hot spots, or which have been determined by the Director to contribute significant FOG to the sewer system shall install grease interceptors within 180 days upon notification. FSEs not in hot spot areas and are using BMPs may request for more time to install grease interceptors. At the Director's discretion based on inspection, sampling or camera data from the line, the request will be granted if the Food Service Establishments are not impacting the collection system.

Section 7.5.4 Variance of Grease Interceptor Requirement

Existing Food Service Establishments may request a variance from the grease interceptor requirement to allow alternative pretreatment technology that is equally effective in controlling the FOG discharge in lieu of a grease interceptor. One such

alternate pretreatment technology is the grease trap and is covered individually under Section 7.12. Consideration of granting the variance will be based on the following:

- There is insufficient space for installation and/or maintenance of a grease interceptor.
- There is inadequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer.
- The Food Service Establishments can demonstrate that the alternative pretreatment technology is equivalent or better than a grease interceptor in controlling FOG discharge. In addition, the Food Service Establishments must be able to demonstrate, after installation of the proposed alternative pretreatment, its continued ability to effectively control FOG discharge.

The variance may be rescinded if subsequent monitoring shows accumulation of FOG in the sewer lateral or the collection system immediately downstream of the FSEs connection.

Section 7.5.5 Waiver from Grease Removal Device Installation

When granting a variance is not possible because the installation of a grease interceptor is not feasible and no other grease removal device can be installed or equivalent alternative pretreatment can be implemented, a waiver from the grease removal device may be granted with the imposition of a line maintenance fee as established in the Master Fee Schedule. Additional requirements may be imposed on the discharge of FOG into the sewer system.

Section 7.5.6 Term and Conditions

A variance or waiver shall contain the terms and conditions that serve as the basis for its issuance. A variance or waiver may be revoked at any time when the terms or conditions for issuance are not met or no longer exist. In addition, the variance or waiver shall remain in effect until the specified expiration date.

Section 7.5.7 Cost Recovery

A Food Service Establishment will be required to reimburse the City of Fresno for all costs incurred for cleaning the sewer line to remove FOG buildup as a result of the FSE's discharge.

Section 7.6 Discharge Prohibitions

Section 7.6.1 Additives

The use of additives is prohibited. The benefits of additives are temporary and defeat the purpose of an interceptor or trap.

Section 7.6.2 Waste Cooking Oil

Disposal of waste cooking oil into drainage pipes is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.

Section 7.6.3 Dishwasher Discharges

Discharge of wastewater from dishwashers into any grease trap is prohibited. Dishwashers may be connected to a grease interceptor provided the interceptor is adequately designed and sized to receive such discharge.

Section 7.6.4 High Temperature Discharges

Discharge of wastewater with temperatures in excess of 140° F (60° C) into any grease removal device is prohibited. Higher temperatures have an increased probability of liquefying grease, thus defeating the purpose of the grease removal device.

Section 7.6.5 Food Grinders

Food grinders are prohibited at all new Food Service Establishments. Existing Food Service Establishments undergoing a remodel will be required to remove all food grinders. Existing Food Service Establishments not undergoing a remodel but which have caused a sanitary sewer overflow will be required to remove all food grinders within 180 days of notification.

Section 7.6.6 Sanitary Wastes

Discharge of wastes from toilets, urinals, wash basins and other fixtures containing fecal materials into sewer lines intended for grease interceptor service is prohibited.

Section 7.6.7 FOG and Solid Material

Discharge of any waste which has been removed from a grease removal device into the sewer system is prohibited. Grease removed from grease interceptors shall be hauled periodically as part of the operation and maintenance requirements for grease removal devices.

Section 7.7 FOG Wastewater Discharge Permit Required

All Food Service Establishments proposing to discharge or currently discharging wastewater containing FOG to the POTW shall obtain a FOG Wastewater Discharge Permit. Existing FSEs discharging to the POTW shall obtain a FOG Wastewater Discharge Permit within the time frame established in the Fresno Municipal Code. Any new FSE proposing to discharge to the POTW shall obtain a FOG Wastewater Discharge Permit prior to beginning the discharge.

FOG Wastewater Discharge Permits shall be subject to all provisions of the Fresno Municipal Code. Nothing in the permit is intended to relieve the discharger of any local, state, or federal regulation.

Section 7.7.1 Permit Application

During Program initialization, existing Food Service Establishments will be sought out, inspected, and permitted without the use of a wastewater discharge permit application. Once the Program is fully implemented, it is intended to have all Food Service Establishments complete a wastewater discharge permit application. Upon completion, the Food Service Establishment will be inspected and a general wastewater discharge permit will be issued. The application will include the following information:

- Name, address, telephone number, description of the Food Service Establishment and service activities.
- Name of any and all principals/owners of the Food Service Establishment.
- Name and address of property owner or lessor and the property manager where the Food Service Establishment is located.
- Floor, site and plumbing plans showing detailed sewer connections and grease removal devices.
- Specifications of all grease removal devices.
- Any other information as may be specified in the application form.

Special cases may require additional information related to the applicant's business operations and potential discharge in order to properly evaluate the permit application.

A sample FOG inspection report is found in Appendix J. A sample of the FOG permit is found in Appendix K.

Section 7.7.2 FOG Wastewater Discharge Permit Conditions

The FOG Wastewater Discharge Permit may contain any of the following conditions or limits:

- Limits on discharge of FOG and other pollutants
- Requirements to install, operate, and maintain adequate pretreatment devices including grease removal devices
- Grease interceptor and/or trap maintenance frequency and schedule
- Requirements for implementing and maintaining all applicable Best Management Practices
- Requirements for maintaining logs and records, including waste hauling records and manifests and to have such records available for inspection
- Additional requirements as may be determined to be reasonably appropriate by the Director or as specified by other Regulatory Agencies to protect the collection system
- Other terms and conditions, which may be reasonably applicable to ensure compliance with the FOG Program

Section 7.7.3 Fog Wastewater Discharge Permit Modifications

As with any permit, and in accordance with the Fresno Municipal Code, a FOG Wastewater Discharge Permit may be modified for good cause, including, but not limited to the following reasons:

- To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- Information indicating that the permitted discharge poses a threat to the POTW or city personnel;
- Violation of any terms or conditions of the Wastewater Discharge Permit;
- Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting; or
- To correct typographical or other errors in the Wastewater Discharge Permit.

Section 7.8 Best Management Practices (BMPs)

All Food Service Establishments shall implement BMPs to minimize the discharge of FOG to the sewer system. Detailed requirements for Best Management Practices shall be specified in the permit. These may include kitchen practices and employee training essential in minimizing FOG discharge.

Section 7.8.1 Installation of Drain Screens

Drain screens shall be installed on all drainage pipes in food preparation areas.

Section 7.8.2 Segregation and Collection of Waste Cooking Oil

All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to insure that they do not leak. Licensed waste haulers or an approved recycling facility must be used to dispose of waste cooking oil.

Section 7.8.3 Disposal of Food Waste

All food waste should be disposed of directly into the trash or garbage and not in sinks. The practice of double-lining bags for food wastes that have the potential to leak in trash bins is highly recommended.

Section 7.8.4 Employee Training

Employees of the Food Service Establishment shall be trained by ownership/management periodically as specified in the permit, on the following subjects:

- How to dry-wipe pots, pans, dishware and work areas before washing to remove grease.
- How to properly dispose of food waste and solids in sealed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
- The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.
- How to properly dispose of grease or oils from cooking equipment into a proper grease receptacle without spilling.

Training shall be documented and employee signatures retained indicating each employee's attendance and understanding of the practices reviewed. Training records shall be available for review at any time by representatives of the City of Fresno.

Section 7.8.5 Maintenance of Mechanical Exhaust Ventilation Filters

Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning the filters shall be disposed of properly.

Section 7.8.6 Kitchen Signage

Best Management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

Section 7.9 Drawing Submittal Requirements

Section 7.9.1 As-built Plans

Food Service Establishments may be required to submit copies of as-built facility site plans, mechanical and plumbing plans and details to show all sewer locations and connections. The documents shall be in a form and content acceptable to the Director for review of existing or proposed grease control devices, monitoring facilities, metering facilities and operating procedures. The review of the plans and procedures shall in no way relieve Food Service Establishments of the responsibility to modify the facilities or procedures in the future as necessary to produce an acceptable discharge, and to meet the requirements of this FOG Control Program.

Section 7.9.2 Schematic Drawings

Food Service Establishments may be required to submit a schematic drawing of the FOG control device or other pretreatment equipment, piping and instrumentation diagram and wastewater characterization report. At the Director's discretion, the drawings may be required to be prepared by a California Registered Civil, Chemical, Mechanical, or Electrical Engineer.

Section 7.10 Grease Interceptor Requirements

1. Food Service Establishments shall provide wastewater acceptable to the FOG Program, under the requirements and standards established herein before discharging to the city's collection system. Any Food Service Establishment that is required to provide FOG pretreatment shall install, operate and maintain an approved-type and adequately-sized grease interceptor necessary to maintain compliance with the objectives of the FOG Control Program.
2. Approved grease interceptor sizing and installation shall conform to the latest approved edition of the California Uniform Plumbing Code. Grease interceptors shall be constructed in accordance with the design approved by the Director and shall have a minimum of two compartments with fittings designed for grease retention.
3. The grease interceptor shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning and removal of accumulated grease.
4. Access manholes, with a minimum diameter of 24 inches, shall be provided over each grease interceptor chamber and sanitary tee. The manholes shall also have readily removable covers to facilitate inspection, grease removal and wastewater sampling activities.

Section 7.11 Grease Interceptor Maintenance Requirements

1. Grease interceptors shall be maintained in efficient operating condition by periodic removal of all contents of the devices which include wastewater, accumulated FOG, floating materials, sludge and solids.
2. No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right of way during maintenance activities.
3. Food Service Establishments that are located in an area that is considered to be a hot spot will be required to submit data and information necessary to establish a maintenance frequency for their grease interceptor.
4. The maintenance frequency for all Food Service Establishments with a grease interceptor shall be determined in one of the following methods:
 - a. Grease interceptors shall be fully pumped out and cleaned periodically to prevent sanitary sewer overflows. The maintenance frequency may vary depending on the condition of the grease interceptor or the collection system. Grease interceptor maintenance shall not exceed six months between cleaning intervals.
 - b. The owner/operator of a Food Service Establishment may submit a request to the Director requesting a decrease in the maintenance frequency at any time. The FSE has the burden of responsibility to prove that the change reflects actual operating conditions based on the average

FOG accumulation over time. The FSE must also show that it is in full compliance with the conditions of its permit and the Fresno Municipal Code. Upon approval of the Director, the FOG Permit will be modified accordingly to reflect the change in maintenance frequency.

- c. If, at any time, the grease interceptor contains FOG and solids accumulation that prevents the interceptor from properly pre-treating FOG before entering the collection system, the Food Service Establishment shall be required to have the grease interceptor serviced immediately such that all materials are completely removed from the interceptor. If necessary the Food Service Establishment may be required to increase the maintenance frequency of the grease interceptor from the current frequency.
5. Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease interceptor shall be properly disposed off site by waste haulers in accordance with federal, state, and/or local laws.

Section 7.12 Grease Trap Requirements

1. Food Service Establishments may be required to install grease traps in the waste line leading from drains, sinks and other fixtures or equipment where grease may be introduced into the sewer system in quantities that can cause blockage.
2. Sizing and installation of grease traps shall conform to the latest approved edition of the California Uniform Plumbing Code.
3. Grease traps shall be maintained in efficient operating condition by removing accumulated grease on a periodic basis. The maintenance frequency may vary depending on the condition of the grease trap or the collection system. Grease trap maintenance shall not exceed two weeks between cleaning intervals.
4. Grease traps shall be maintained free of all food residues and any FOG waste removed during the cleaning and scraping process.
5. Grease traps shall be inspected periodically to check for leaking seams and pipes, and for effective operation of the baffles and flow regulating device. Grease traps and their baffles shall be maintained free of all caked-on FOG and waste. Removable baffles shall be taken out of the grease trap and cleaned during the maintenance process.
6. Dishwashers and food waste disposal units shall not be connected to or discharged into any grease trap.

Section 7.13 Monitoring Facilities Requirements

1. The Director may require Food Service Establishments to construct and maintain in proper operating condition, at the Food Service Establishments' sole expense, flow monitoring, constituent monitoring and/or sampling facilities.

2. The location of the monitoring and/or metering facilities shall be subject to approval by the Director.
3. Food Service Establishments may be required to provide immediate, clear, safe and uninterrupted access to authorized representatives of the City of Fresno to all monitoring and/or metering facilities.
4. Food Service Establishments may also be required by the Director to submit waste analysis plans, contingency plans, and meet other necessary requirements in order to ensure proper operation and maintenance of grease removal devices and to comply with the Fresno Municipal Code.

Section 7.14 Record Keeping Requirements

Food Service Establishments shall be required to keep all manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the grease removal device, disposal carrier and disposal site location for no less than three years. Food Service Establishments shall, upon request, make the manifests, receipts and invoices available to representatives of the City of Fresno. These records should include:

- A logbook of grease removal device cleaning and maintenance practices
- A record of BMPs being implemented including employee training
- Copies of records and manifests of waste hauling interceptor contents
- Records of sampling data and sludge height monitoring for FOG and solids accumulation in grease interceptors
- Records of any spills and/or cleaning of the lateral or sewer system
- Any other information deemed appropriate by the Director to ensure compliance with the Fresno Municipal Code and the FOG Program

CHAPTER 8

HAULED WASTE PROGRAM

Sec. 8.1 Liquid Waste Haulers

The Fresno-Clovis Regional Wastewater Reclamation Facility receives and treats wastewater through a connection of sewer laterals and trunklines in the Fresno and Clovis areas as well as some unincorporated portions of the county. However, there are a number of homes not connected to the sewer system. These homes require a means of disposing their waste. This is accomplished through septic tanks. When these septic tanks are full, they are emptied, with the generated liquid waste being transported by truck to a designated disposal point at the Fresno-Clovis Regional Wastewater Reclamation Facility by liquid waste haulers.

Where the sanitation needs of the public can not be met through the sewer system, portable and/or chemical toilets are utilized. This includes numerous public events and providing for farm workers in the fields throughout the county. Waste from portable/chemical toilets are also transported to the designated disposal site by liquid waste haulers.

Pollutants in hauled liquid waste are usually more concentrated than typical domestic waste discharged to the collection system. Because of this, and due to the close proximity of the designated disposal point, hauled liquid wastes have the potential to negatively impact the treatment plant including pass through, interference with treatment plant processes, biosolids contamination, and worker exposure. The purpose of the Hauled Waste Program is to prevent discharges from liquid waste haulers at the Septage Handling Facility (SHF) that may adversely affect the POTW and its reclamation products.

Sec. 8.2 Liquid Waste Hauler Information

Identifying liquid waste haulers can be accomplished through a waste hauler survey. Information in the survey could include the typical number of loads per day and the type of waste hauled. Characterizing the waste will assist in determining the potential impact at the treatment plant and on its processes.

Sec. 8.2.1 Potential Liquid Waste Haulers

To identify the potential liquid waste haulers, a number of sources are available. For Fresno, the most helpful are the following:

- Business license records
- Local telephone directory
- Fresno County Community Health Department

However, since the Fresno facility is the largest in the county, it is best suited to be able to accept septic waste with minimal impact on the processes. For this reason, most haulers will seek a permit without the need to identify them first.

Sec. 8.3 Legal Authority

Chapter 6, Article 3, Section 6-318 of the Fresno Municipal establishes the legal authority of the City of Fresno to regulate liquid waste haulers.

Sec. 8.3.1 Permit Required

Liquid waste haulers shall obtain a wastewater discharge permit prior to transporting and disposing liquid waste at the designated discharge point. An example of a liquid waste hauler permit is found in Appendix L.

Sec. 8.3.2 Accepted Discharge Location

Hauled liquid waste may only be introduced to the POTW at locations specified by the City of Fresno as the Control Authority and at such times as are established as normal operating hours.

Sec. 8.3.2.1 Designated Location for Liquid Waste Haulers

The designated location for liquid waste haulers shall be known as the Septage Hauler Facility.

Sec. 8.3.2.2 Hours of Operation

The Septage Hauler Facility is open Monday through Saturday from 7:00 AM to 5:00 PM. The facility will be closed on Sundays and all holidays recognized by the City of Fresno.

Sec. 8.3.3 Accepted Types of Waste

Liquid waste haulers are allowed to transport domestic or residential liquid waste that originates within Fresno County, unless specifically authorized by the Control Authority in the liquid waste hauler wastewater discharge permit.

Sec. 8.3.3.1 Domestic Waste

Domestic waste is defined as the liquid or solid material removed from a septic tank, cesspool, holding tank, or a similar system that receives only domestic septage (household, non-commercial, non-industrial sewage).

Sec. 8.3.3.2 Portable/Chemical Toilet Waste

Non-domestic waste is defined as the waste collected from portable and/or chemical toilets. Care must be taken in receiving this type of waste as some antibacterial and disinfecting agents used in chemical toilets may be incompatible with treatment plant processes.

Sec. 8.3.3.3 Landfill Leachate

Landfill leachate is a liquid which passes through or emerges from solid waste. The generation of leachate is caused principally by precipitation percolating through waste deposited in a landfill. Once in contact with decomposing solid waste, the percolating water becomes contaminated and if it then flows out of the waste material it is termed leachate. Additional leachate volume is produced during this decomposition of carbonaceous material producing a wide range of other materials including methane, carbon dioxide and a complex mixture of organic acids, aldehydes, alcohols and simple sugars. Without intervention, landfill leachate will enter and impact the groundwater supply. As such, new landfills are required to install impermeable liners. Existing landfills utilize other means of capturing and disposing leachate to avoid groundwater contamination. If direct piping to a sewer collection is not available, the landfills use vaults to capture the leachate which must then be pumped out and disposed. Due

to the number of potential compounds that could be found, any landfill requesting to transport leachate to the Fresno treatment facility must have a sample analyzed on a regular basis, the frequency being determined by the City of Fresno personnel.

Sec. 8.3.3.4 Domestic Treatment Plant Septage

Domestic treatment plant septage refers to the biosolids generated during treatment of domestic sewage in small treatment facilities located within and operated by Fresno County. In some situations, the small treatment facilities do not have the capability to handle the biosolids generated and need a larger facility to receive and process it. In the past, these facilities were permitted as generators of biosolids. This practice no longer occurs. Those facilities in such situations now are asked to obtain a contract with a hauling company and then notify Fresno. The hauling company is then given a permit with specific authorization to transport domestic treatment plant septage.

Sec. 8.4 Conditions to Obtain a Hauled Liquid Waste Permit

Liquid waste haulers wishing to discharge to the Septic Hauler Facility are limited to a maximum volume truck of 3,200 gallons. The tank volume must be certified by a county Weights and Measures department. The hauler must be permitted by the County of Fresno to transport waste. The company's name and tank capacity must be on the side of the tank or truck. The company must also have proof of current insurance.

Sec. 8.4.1 Septage Hauler Account

Liquid waste haulers must open a sewer account with the Utilities, Billings, and Collections division with the City of Fresno. This includes posting a \$2,000 security deposit. The bond can be in the form of a certificate of deposit, passbook savings account, or cash. A sewer account will be set up with the deposit posted. After one full year of good payment history, at the discretion of the Utilities, Billing, and Collection Division, the deposit will be returned. The sewer account number will be entered on the discharge permit application.

Sec. 8.4.2 Hauled Liquid Waste Discharge Permit Application and Inspection

Upon completing a discharge permit application, the liquid waste hauler needs to bring every truck to be permitted in for inspection. At this time, the proof of insurance, county permit, tank volume certification, and sewer account will be verified. Upon completion of the truck(s) inspection, a Class IV wastewater discharge permit and keycard(s) will be issued. A keycard will be issued for each truck permitted. A sample of a liquid waste hauler permit application is found in Appendix M.

Sec. 8.5 Disposal Manifests

Liquid waste haulers are required to provide a manifest for every load. The manifest will be designed and approved by the City of Fresno as the Control Authority and shall include, at a minimum, the name and address of the source of the domestic waste the volume of waste generated, and the truck identification. A sample of a septage hauler disposal manifest is found in Appendix N.

Sec. 8.6 Septage Hauler Facility

The Septage Hauler Facility is located near the entrance to the wastewater treatment facility at 5607 West Jensen Avenue in Fresno. It consists of two bays for receiving liquid waste haulers. The eastern bay is referred to as Bay 1 while the western bay is Bay 2. Each bay is accessed by driving up a ramp and connecting a hose to the discharge point.

Sec. 8.6.1 Utilizing the Septage Hauler Facility

Each truck has a unique keycard issued. The card identifies the company and the truck volume. Upon reaching the gate of the Septage Hauler Facility, the driver passes the card in front of the reader. The display will indicate which bay is available. At the same, the arm at the bay will raise and the computer is activated to prepare for the hauler's discharge. The driver then positions the truck in the bay and connects the hose for discharge. Prior to discharging, the "dump request" button must be pushed. Doing so tares the volume in the holding tank and allows the computer to begin registering the volume discharged. Upon completing the discharge, the hauler must clean the area of debris to prevent the drain from clogging. When the driver approaches the gate to leave, the keycard is passed in front of the exit reader. Doing so records the volume discharged for that truck and then empties the holding tank to prepare for the next hauler.

Sec. 8.7 Grease Haulers

Grease haulers are specifically permitted by the County of Fresno to haul grease waste. Grease waste is a liquid waste that contains yellow grease (cooking oil) or brown grease (from grease interceptors or traps). Brown grease is also known as inedible kitchen grease.

All companies doing business in California that transport inedible kitchen grease must obtain a registration sticker for each of their trucks from the Department of Food And Agriculture pursuant to provisions of the Food and Agriculture Code as well as the Vehicle Code.

Sec. 8.7.1 Hauled Grease Discharge Location

The designated location for grease waste haulers shall be known as the Grease Receiving Facility. It is located inside the treatment plant property south of Digester Control Building No. 4.

Sec. 8.8 Right to Monitor

As authorized in Section 6-322 of the Fresno Municipal Code, the Control Authority has the right to collect samples at any time from any liquid waste hauler to determine if the hauler is complying with all requirements of the Code and any wastewater discharge permit or order issued.

CHAPTER 9

ORGANIZATION AND STAFFING

Sec. 9.1 General

The City of Fresno Department of Public Utilities is the local agency responsible for implementing and maintaining the Pretreatment Program. The administration of the program will be carried out by the Wastewater Management Division, Environmental Services Section.

Sec. 9.2 Organizational Structure

The Assistant Director of Public Utilities is responsible for the implementation and proper funding of the Program. The Director of Public Utilities provides the necessary interaction between the City staff and the elected body for policy or management decisions. The Director also serves as the appeals administrator in handling all variance requests and appeals. The City Attorney's Office provides legal services for the enforcement of the pretreatment program.

The Chief of Environmental Services is the Administrator of the Pretreatment Program and is responsible for its day-to-day administration under the direction of the Assistant Director of Public Utilities.

Sec. 9.3 Staffing

Continuous administration of the program requires the involvement of many employees within the Department of Public Utilities. A properly functioning Pretreatment Program utilizes personnel in the areas of general administration, compliance review and maintenance, and monitoring. Staffing should be maintained at a level commensurate to the size of the POTW, the number of significant industrial users, and compliance/enforcement demands on the program.

Sec. 9.3.1 General Administration

The first line of official general accountability begins with the supervisor. This position oversees the work of all aspects of the program and is responsible for assignments and projects within the various areas. The supervisor establishes policies affecting the groups involved. At a minimum, there should be one Full Time Equivalent supervisor.

Section 9.3.2 Compliance Group

The Environmental Control Officers are responsible for reviewing all sample analyses, both those conducted by the POTW as well as self-monitoring results, and any subsequent enforcement activities. Other tasks associated with this section include identification, classification, and notification of new and existing industries requiring permits; review of applications; permitting inspections and issuance of permits; review of all documents; working with industries to achieve and maintain compliance; and preparation of required reports for submittal to state agencies. In addition, Environmental Control Officers are responsible for conducting industrial waste surveys; collecting samples for compliance and enforcement monitoring; and preventive maintenance of sampling and flow monitoring equipment. At a minimum, there should be at least five Full Time Equivalent Environmental Control Officers.

Sec. 9.3.3 Laboratory

Once samples are collected, the laboratory section performs all requested analyses. The results are entered into a Laboratory Information Management System which can then be reviewed by the compliance group. There should be at least one Full Time Equivalent laboratory technician to do these tasks.

Sec. 9.3.4 Support Staff

Secretarial needs for maintaining the Pretreatment Program can be accomplished with a support staff of one Full Time Equivalent position for the entire Environmental Services Section.

CHAPTER 10

FUNDING

Sec. 10.1 General

Federal regulations in 40 CFR 403 specify that POTWs shall have sufficient resources and qualified personnel to operate the Pretreatment Program. This chapter discusses program costs, program revenue requirements, alternative funding mechanisms, and billing and collection.

Sec. 10.2 Pretreatment Program Costs

Costs associated with implementing the Pretreatment Program included those for personnel, operation and maintenance, training, interdepartmental charges, contingencies, and minor capital purchases.

Sec. 10.2.1 Personnel Costs

Personnel costs include salaries and fringe benefits for all staff assigned to the Pretreatment Program in the Wastewater Management Division. Included are administrative staff, division upper management, laboratory support, computer support, janitorial services, and accounting personnel. Temporary employees and overtime are also included.

Sec. 10.2.2 Operation and Maintenance

Operation and maintenance includes costs incurred for safety equipment, office equipment and supplies, consulting services, printing, public relation expenses, outside laboratory costs, chemicals, small tools, postage, photographic processing, computer software, repair and maintenance of buildings and equipment.

Sec. 10.2.3 Training

Training costs include those incurred for outside education, purchase of publications and subscriptions, travel and conference expenses, and any trade-related meetings and instructional/informational sessions.

Sec. 10.2.4 Interdepartmental Charges

When other city divisions or departments perform work on behalf of the Pretreatment Program, those costs are charged back to the Wastewater Management Division through a process called interdepartmental charges.

Sec. 10.2.5 Minor Capital

Items with a value up to \$2,000.00 may be purchased as minor capital.

Sec. 10.3 Current Funding Mechanisms

The Pretreatment Program regulates a large number of industrial and commercial sewer users and is concerned with an extensive list of pollutants. All users benefit from the program, sharing the cost to maintain it proportionally based on the number of contributors in each discharge group, the volume of flow, and the pollutant loading. Funding for the Pretreatment Program is accomplished by assessing pretreatment surcharges to all industrial, commercial, and residential users, each at a specific rate. Pretreatment surcharge rates are based in part on the amount of time and effort required in the monitoring and regulation of each category. With that pretreatment surcharge, significant industrial users (the highest surcharge category) receives one permitting inspections, three smaller quarterly inspections, and various sampling and analyses based on the type constituents expected to be found in their discharge.

Costs associated with increased sampling and analyses resulting from violations by a user are billed to that user as a cost recovery charge. Penalties are levied when users fail to meet administrative deadlines for various reports that may be required and are assessed to recover time spent tracking and following up. Users in Significant Noncompliance are also billed for the cost of publication in the local newspaper as required under the General Pretreatment Regulations (40 CFR 403).

CHAPTER 11

PUBLIC PARTICIPATION

Sec. 11.1 General

The development and implementation of an effective Pretreatment Program is accomplished through involvement of the public, industrial, and commercial sectors.

Sec. 11.2 Public Meetings

The first public meeting concerning the Pretreatment Program was held on July 29, 1981. Since that meeting, other public meetings have been held to discuss various topics that impact the implementation or maintenance of the program.

Sec. 11.3 Other Public Participation Activities

The City of Fresno desires to be proactive in educating the general public about wastewater treatment processes and disposal options, required expansion and improvements at the Fresno-Clovis Metropolitan Regional Wastewater Reclamation Facility, sludge management, the impact of treated wastewater on groundwater, the importance of water reclamation, and sewer rate comparisons with other cities. Activities include school presentations, meetings with trade and civic organizations, and information booths at various public events. To assure that all customers receive the information, publications are printed in three languages: English, Spanish, and Hmong. An open invitation to visit the Wastewater Reclamation Facility is also extended at every opportunity. Additionally, the first Wednesday of each month has been established as a standing appointment for conducting public tours of the facility.

Local Limits

The following pollutant limits are technically-based and established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

<i>Parameter</i>	<i>Limit, Daily Average</i>	<i>Unit</i>
Arsenic	0.32	mg/L
Cadmium	0.12	mg/L
Chromium, Total	6.7	mg/L
Copper	2.5	mg/L
Cyanide, Total	0.77	mg/L
Lead	1.2	mg/L
Mercury	0.05	mg/L
Nickel	1.3	mg/L
Silver	1.1	mg/L
Zinc	2.1	mg/L
Phenolic	300	mg/L
Trichloroethene	0.12	mg/L
Tetrachloroethene	0.77	mg/L
BETX*	20	mg/L
Oil and Grease	700	mg/L

ARTICLE 3 SEWAGE AND WATER DISPOSAL

SEC. 6-301. GENERAL PROVISIONS; PURPOSE AND POLICY.

(a) This article sets forth uniform requirements for direct and indirect contributions into the City of Fresno POTW, and enables the city to comply with all applicable State and federal laws required by the Clean Water Act of 1977, the General Pretreatment Regulations (40 C.F.R., Part 403) and the Construction Grants Regulations (40 C.F.R., Part 35), as they are now constituted, or as they may hereafter be amended or recodified. The objectives of this article are:

(1) To prevent the introduction of pollutants into the POTW, which would interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the POTW, which would pass through the system inadequately treated or be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system; and

(4) To provide for equitable distribution of the cost of the POTW.

(b) This article provides for the regulation of direct and indirect contributors to the POTW through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(c) This article shall apply to the City of Fresno and to persons outside the city who are, by contract, permit or agreement with the city, users of the city's POTW. (Am. Ord. 83-41, § 1, eff. 7-1-83; Am. Ord. 98-97, §§ 1, 2, 1-9-99)

SEC. 6-302. DEFINITIONS. Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this article and, except to the extent that a particular word or phrase is otherwise specifically defined in this section, the definitions and provisions contained in Article 3 of Chapter 1 of this Code shall also govern the construction, meaning, and application of words and phrases used in this article, unless the particular provision or the context otherwise requires. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derived from it, or from which it is a derivative, as the case may be.

(a)

(1) The following Abbreviations shall have the designated meanings:

CWA	Clean Water Act as Amended (33 U.S.C. §§1251
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C.F.R.	Code of Federal Regulations
EPA	Environmental Protection Agency
L	Liter
mg	Milligrams
mg/L	Milligrams per liter
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act (42 U.S.C. §§6901 et seq.)
U.S.C.	United States Code

(2) "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act of 1977, as amended (33 U.S.C. §§1251 et seq.).

(3) "Approval Authority" means the California Regional Water Quality Control Board, Central Valley Region.

(4) "Authorized Representative of Industrial User" means:

(i) A responsible corporate officer, if the industrial user is a corporation. A responsible corporate officer means:

1. a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function or any other person who performs similar policy-making or decision-making functions for the corporation; or,

2. the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(ii) a general partner or proprietor, if the industrial user is a partnership or sole proprietorship, respectively;

(iii) a duly authorized representative of the individual designated in Subsection (a)(4)(i) or (a)(4)(ii), provided:

1. the authorization is made in writing by the individual designated in Subsection (a)(4)(i). or (a)(4)(ii);

2. the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the indirect discharge originates, or having overall responsibility for environmental matters for the company; and

3. the written authorization is submitted to the Control Authority.

(iv) If an authorization under Subsection (a)(4)(iii) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of Subsection (a)(4)(iii) must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

(b)

(1) "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general prohibitions, specific prohibitions, and local limits listed in this Code. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

(2) "Biochemical Oxygen Demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under Standard Laboratory Procedure in five days at twenty degrees Centigrade, expressed in milligrams per liter (mg/L).

(3) "Biosolids" or "sludge" means a primarily organic solid product produced by wastewater treatment processes that can be beneficially recycled.

(4) "Building" means any structure used or intended for supporting or sheltering any use or occupancy as determined by the Director.

(5) "Business" means all commercial uses, including but not limited to offices, merchandising and industrial uses, and residential uses on premises where there are four or more living units or where unrelated persons are housed in the same structure, such as boarding or, fraternity houses, assisted care facilities, motels or hotels, or as determined by the Director.

(c)

(1) "Capital Component" refers to a component of the user charge used to recover the cost to construct treatment facilities, pump, or lift stations, and trunk sewer mains. In all cases, 100 percent of the capital component is due from each connection served by the regional wastewater system regardless of primary service provider. The City of Clovis is excepted.

(2) "Categorical Pretreatment Standard" or "Categorical Standard" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of users and which appear in 40 C.F.R. Chapter I, Subchapter N, Parts 401-471.

(3) "City" means the City of Fresno.

(4) "City Effluent Limitations" means the technically-based limits, expressed either as concentration or as mass, of those pollutants found in Section 6-327 of this article.

(5) "City Sewer System" means all facilities for collecting and transporting domestic or industrial wastes of any nature, including all such facilities both inside and outside the city limits which are owned, operated and controlled by the city.

(6) "Commercial User" means all retail stores, restaurants, office buildings, laundries, and other private business and service establishments, including churches and lodges. These users are distinguished from industrial users for billing purposes only.

(7) "Completion" means acceptance, in writing, by the Director for maintenance of an addition to the city sewer system.

(8) "Compliance Schedule" means a detailed time schedule of specific actions which a user is required to take in order to prevent or correct a violation of any prohibitions or limitations prescribed herein or any of the city's effluent limitations or pretreatment standards promulgated in accordance herewith.

(9) "Connected" means a physical joinder of any plumbing or drainage system or fixture contained in any structure to the regional sewer system.

(10) "Control Authority" means the City of Fresno Department of Public Utilities and Wastewater Management Division and its representatives or designees.

(11) "Cooling Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(12) "Customer" means a person who is, or who has agreed to be, responsible for the payment of water or sewer service charges. "Customer" is also synonymous with "account," against which charges are assessed and billed.

(d)

(1) "Director," unless otherwise specified, means the Director of the Department of Public Utilities and/or his/her authorized representative.

(2) "Dwelling Unit" means the same as living unit.

(e)

(1) "Enforcement Response Plan" or "ERP" means the mechanism for addressing applicable local, State, or federal violations. The ERP includes a written description of each type of enforcement, when to administer it, and how the monitoring schedule is affected. In conjunction with the written description, there may be an Enforcement Response Plan flow chart which maps out the path through the various levels of enforcement.

(2) "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency. Where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(3) "Existing Food Service Establishment" or "Existing FSE" shall mean any Food Service Establishment that has been in continuous operation since before the effective date of this ordinance under the same ownership.

(4) "Extra Depth Sewer" means an oversize sewer main which is constructed at a depth greater than eight feet. Eight feet shall mean the average of depths, measured at adjacent manholes, from the natural grade or street subgrade, whichever is less, to the sewer flow line.

(f)

(1) "FOG" shall mean fats, oils and grease.

(2) "Food Service Establishment" or "FSE" means any facility defined in California Uniform Retail Food Service Establishments Law (CURFFL) Section 113785, and any commercial entity discharging into the city sewer system and is consequently regulated by the Control Authority, either directly or indirectly through a Joint Powers Agreement, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by a mechanical exhaust ventilation system, as required in CURFFL Section 114296. A limited food preparation establishment is not considered a Food Service Establishment when engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing a significant amount

of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

(g)

(1) "Grab Sample" means a sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream, and without consideration of time.

(2) "Grease Interceptor" means a multi-compartment device that is constructed in different sizes and is generally required to be located, according to the California Plumbing Code, underground between a Food Service Establishment and the connection to the sewer system. This device primarily uses gravity to separate FOG from the wastewater as it moves from one compartment to the next. This device must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner at regular intervals to be effective.

(3) "Grease Removal Device" means any grease interceptor, grease trap or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to it being discharged into the sewer system. Grease Removal Device may also include any other proven method to reduce FOG subject to the approval of the Director. A grease removal device is a form of pretreatment and as such is subject to all regulations pertaining to the installation and maintenance of pretreatment systems as recognized in this Article and in the General Pretreatment Regulations (40 C.F.R. §403).

(4) "Grease Trap" means a grease control device that is used to serve individual fixtures and have limited effect and should only be used in those cases where the use of a grease interceptor or other grease removal device is determined to be impossible or impracticable.

(h)

(1) "Holding Tank Waste" means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(2) "Hot spots" means areas in sewer lines that have experienced Sanitary Sewer Overflows or that must be cleaned or maintained frequently to avoid blockages of the sewer system.

(3) "House Branch Sewer Charge" means a fee charged against property for the right to connect to a house branch sewer line, when the property has not participated in the cost of constructing said house branch.

(i)

(1) "Improvement" means that which is built or constructed, an edifice of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For the purpose of this article, this definition shall not include "building" as defined above and temporary on-site storm basins, but shall include the playing area of any non-enclosed sport facility or restricted sport field.

(2) "Indirect Discharge" or "Discharge" means the discharge or the introduction of pollutants into a POTW from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act (33 U.S.C. §§1317(b), (c), or (d)).

(3) "Industrial User" or "User" means a source of indirect discharge.

(4) "Industrial Wastes" means the liquid wastes from industrial processes as distinct from sanitary sewage.

(5) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources:

(i) Inhibits or disrupts the POTW, its treatment processes or operations, or sludge processes, use or disposal; or

(ii) Is a cause of a violation of any requirement of the POTW's Waste Discharge Requirements (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act (33 U.S.C. §1345); the Solid Waste Disposal Act (SWDA), including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(j) Reserved.

(k) Reserved.

(l)

(1) "Lateral Sewer Charge" means a fee charged against property for the right to connect to the public sewer line city sewer system where the property has not participated in the cost of constructing said line sewer mains.

(2) "Living Unit" means a room or suite of rooms which is occupied by one family for living and sleeping purposes, including a single-family residence, mobile home unit, apartment, town house, flat or condominium.

(3) "Living Unit Equivalent" means the equivalence of five (5) living units to one net acre of nonresidential development to compute the availability of the regional sewer system to a premises for the purpose of required connection to the regional sewer system.

(4) "Lot" means any premises, piece or parcel of land or property as bounded, defined or shown upon the latest map, plat or deed recorded in the office of the Recorder of Fresno County, provided, however, that in the event any building or improvements appurtenant to said building cover more area than a "lot," as herein defined, the term "lot" shall be deemed to be and include all such pieces or parcels of land upon which said buildings or improvements are wholly or partly located.

(m) Reserved.

(n)

(1) "Net Area," for the purpose of calculating the Lateral Sewer Charge and the Oversize Sewer Charge, shall be that area of a lot up to a maximum depth of 100 feet from adjacent dedicated right-of-way in which a regional sewer system sewer main is either constructed or planned to be constructed. Net area shall exclude areas dedicated or condemned for public street and alley purposes. Where such main is not located in an existing dedicated right-of-way, or for lots within cul-de-sacs unified or planned developments, or other unusual lot configurations, the Director shall determine the net areas consistent with the above.

(2) "New Food Service Establishments" or "New FSE" shall mean any Food Service Establishment that starts operations after the effective date of the FOG Ordinance regardless whether in a newly constructed building, a remodeled building or using an existing building or space.

(3) "New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated, and in accordance with that section, provided that:

(i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new

facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(o)

(1) "Off-site Sewer" means a public sewer constructed or to be constructed outside the extended boundaries of a subdivision or outside the extended edges of a lot.

(2) "Open Recreation and Sport Use" means, but is not limited to, golf courses, baseball diamonds, soccer and football fields, non-enclosed sport stadia, and any other restricted sports field. For the purpose of this article, the open recreation and sport use facilities must:

(i) Be accessible to the general public on a free or standard fee basis;

(ii) Comprise at least seventy-five percent (75%) of the net land area of the development as determined by the Director;

(iii) Be situated on a separate parcel or parcels which do not include facilities unrelated or incompatible with such use, as determined by the Director; and,

(iv) Be substantially improved and maintained with turf or surface conditions consistent with such use.

(3) "Operations and Maintenance Component" or "O&M" refers to a component of the user charge used to recover costs associated with the maintenance of the POTW.

(4) "Oversize Sewer Charge" means a fee for the right to connect to the city sewer system, said fee to be used to pay the additional cost of constructing or reconstructing city sewers larger than eight inches in diameter.

(p)

(1) "Pass Through" is a discharge which exits the POTW in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the POTW's waste discharge requirements (including an increase in the magnitude or duration of a violation) or threatens, or is a potential threat, to pollute or degrade groundwater.

(2) "Person" means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives or agents. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

(3) "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in gram equivalents per liter of solution.

(4) "Pollutant" means any dredge soil, solid waste, incinerator residue, sewerage, garbage, sewage sludge, biosolids, munitions, wood products and wastes, chemicals, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, commercial, municipal, and agricultural waste discharged into water.

(5) "Pollution" means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

(6) "Premises" means all contiguous property under one ownership, any part of which is developed to be used for occupancy, business, public gathering or meeting place purposes.

(7) "Pretreatment" and "Treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 C.F.R. §403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 C.F.R. §403.6(e).

(8) "Pretreatment Requirement" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

(9) "Pretreatment Standards" or "Standards" means prohibited discharge standards, categorical pretreatment standards, and local limits.

(10) "Prohibited Discharge Standards" or "Prohibited Discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in 40 C.F.R. §403.5 and in Section 6-327 of this Article.

(11) "Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by Section 212 of the Act (33 U.S.C. §§1292 (2)(A)), which is owned by the municipality (as defined by Section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances (also referred to as the city sewer system) only if they convey wastewater to a POTW treatment plant. The term also means the municipality, as defined in Section 502(4) of the

Act (33 U.S.C. §§1362(4)), which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(12) "POTW Treatment Plant" or "Treatment Plant" means that portion of the POTW designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(q) Reserved.

(r)

(1) "Regional Sewer System" means all facilities for collecting and transporting domestic or industrial wastes of any nature, including all such facilities both inside and outside the city limits regardless of whether they are owned, operated or controlled by the city, but not including those facilities owned and operated by the City of Clovis.

(2) "Remodel" shall mean any construction or other activity to make over a building, interior or exterior, in style or structure that costs fifty thousand dollars (\$50,000) or more in total costs.

(s)

(1) "Sanitary Sewer Overflow" or "SSO" means an overflow from the sanitary sewer system of domestic wastewater, as well as industrial and commercial wastewater.

(2) "Sewer Connection Charges" means and includes the "oversize sewer charge," "lateral sewer charge," "house branch sewer charge," which may be applicable to any lot, "wastewater facilities charge," which may be applicable to any residential lot, and "trunk sewer charge," which is applicable to any residential lot within a designated trunk sewer service area.

(3) "Sewer Facility Charges" means a user charge that includes the "wastewater facilities charge," which may be applicable to any business, and the "trunk sewer charge," which may be applicable to any business within a designated trunk sewer service area.

(4) "Sewer Flow" means the average daily flow introduced into the regional sewer system from a business during a billing period.

(5) "Sewer Loading" means the amount of total suspended solids and biochemical oxygen demand in a wastewater sample.

(6) "Sewer Service Charges" means a user charge which is comprised of a capital component, and an operational and maintenance component and, a pretreatment surcharge as designated in the Master Fee Schedule.

(7) "Shall" is mandatory, and "may" is permissive.

(8) "Significant Industrial User"

(i) Except as provided in Subdivision (s)(8)(iii) the term "Significant Industrial User" means:

1. all industrial users subject to categorical pretreatment standards under 40 C.F.R. §403.6;

2. any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

3. any industrial user that contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW;

4. any industrial user designated as such by the Control Authority on the basis that the industrial user has reasonable potential of adversely affecting the POTW operation or for violating any pretreatment standard or requirement.

(ii) The Control Authority may determine that an industrial user subject to categorical pretreatment standards under 40 C.F.R. §403.6 and 40 C.F.R. chapter I, subchapter N is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

1. the industrial user, prior to Control Authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

2. the industrial user annually submits the certification statement required in 40 C.F.R. §403.12(q) together with any additional information necessary to support the certification statement; and

3. the industrial user never discharges any untreated concentrated wastewater.

(iii) Upon finding that an industrial user meeting the criteria of Subparts (8)(i)2-4 has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority may at any time determine that such industrial user is not a significant industrial user.

(9) "Significant Noncompliance" means a compliance status in which an industrial user has a violation which meets one or more of the following criteria:

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, FOG, and 1.2 for all other pollutants except pH;

(iii) Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 C.F.R. §403.8(f)(1)(vi)(b) or Section 6-324 of the this Code to halt or prevent such a discharge;\

(v) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(vi) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(vii) Failure to accurately report non-compliance;

(viii) Any other violation or group of violations, which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

(10) "Slug" or "Slug Load" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

(11) "Standard Industrial Classification" or "SIC" means a classification pursuant to the latest published edition of the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

(12) "Standard Methods" or "Standard Laboratory Procedure" means the EPA approved procedure outlined in the latest edition approved by the EPA of the book, "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

(13) "State" means the State of California.

(14) "Storm Water" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

(t)

(1) "Total Suspended Solids" or "TSS" means the total suspended matter that floats on the surface of, or is suspended in, wastewater and which is removable by laboratory filtering as prescribed by Standard Methods.

(2) "Toxic Pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under the provision of Section 307(a) of the Act (33 U.S.C. §1317(a)), or other acts.

(3) "Trunk Sewer Charge" means a sewer flow-based capacity charge for the right to connect to the city sewer system. The charge shall be used for the purpose of constructing or recovering such cost for construction of new sewer pipelines thirty inches in diameter or larger. Trunk Sewer Charges shall be collected from all residential development pursuant to Subsection 6-304(a)(5), and for all businesses pursuant to Section 6-310.

(4) "Trunk Sewer Main" means a public sewer main thirty inches in diameter or larger constructed to collect and transport domestic or industrial wastes of any nature to the POTW treatment plant or to another trunk sewer main transporting such wastes to the treatment plant.

(5) "Trunk Sewer Service Areas" means those areas established by resolution of the Council served by a trunk sewer main and subject to trunk sewer charges.

(6) "Twenty-five percent (25%) Rule" means a requirement for grease interceptors to be maintained such that the combined FOG and solids accumulation does not exceed twenty-five percent of the design hydraulic depth of the grease interceptor.

(u)

(1) "Unit" means a living unit as defined herein for residential uses, or living unit equivalent for other than residential uses.

(2) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or city effluent limitations because of factors beyond the reasonable control of an industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

(v) Reserved.

(w)

(1) "Wastewater Discharge Permit" or "Control Mechanism" means the mechanism by which new or increased contributions of pollutants, or changes in the nature of pollutants, to the regional sewer system by industrial users, may be controlled to ensure compliance with applicable pretreatment standards, pretreatment requirements, or city effluent limitations.

(2) "Wastewater Facilities Charge" means a sewer flow and sewer loading based charge for the right to connect to the regional sewer system. The charge shall be used for the purpose of recovering the cost of constructing or construction of facilities at the POTW treatment plant.

(x) Reserved.

(y) Reserved.

(z) Reserved. (Orig. Ord. 4279; Am. Ord. 5777, 1960; Am. Ord. 6466, 1964; Am. Ord. 69-41, 1969; Am. Ord. 71-105, 1972; Am. Ord. 72-170, 1972; Am. Ord. 73-64, § 1, eff. 5-20-73; Am. Ord. 75-69, §§ 2, 3, eff. 7-27-75; Am. Ord. 80-59, §§ 1--4, eff. 5-9-80; Am. Ord. 80-164, §§ 1--3, eff. 12-5-80; Am. Ord. 82-22, § 1, eff. 3-19-82; Am. Ord. 83-41, § 2, eff. 7-1-83; based on former Sec. 9-501; Am. Ord. 87-29, § 1, eff. 3-17-87; Am. Ord. 89-10, § 1, eff. 2-17-89; Added and Am. Ord. 90-84, §§ 1--4, eff. 8-31-90; Am. Ord. 91-14, §§ 1--5, eff. 3-15-91; Am. Ord. 92-69, §§ 1--5, eff. 9-25-92; Am. Ord. 94-10, §§ 1, 2, eff. 3-11-94; Ord. No. 96-62, §§ 1, 2, eff. 10-25-96; Am. Ord. 98-91, §§ 1, 2, 1-1-99; Am. Ord. 98-97, §§ 2.5, 3, 1-9-99; Am. Ord. 2002-73, § 1, eff. 1-23-02; Am. Ord. 2003-75, § 1, eff. 10-5-03; Am Ord. 2008-33, eff. 6-22-08).

SEC. 6-303. SEWER CONNECTION REQUIRED.

(a) Every building or structure in which plumbing fixtures are installed, and every premises having piping thereon, which conveys sewage or other liquid wastes to an approved point of disposal, shall be connected to the regional sewer system if it is available, except that:

(i) In the R-A, AE-5, and AE-20 zone districts, on a lot at least two net acres in size, and provided the lot, if not served by a community water system, contains one

dwelling unit or septic system per 2.0 acres, such connection may be deferred until the use of the land changes either through district amendment or special permit.

(b) The regional sewer system is available, for the purposes of this section, if a sewer main has been constructed and is available for use in any public street, alley or right-of-way within 100 feet for the first unit plus 50 feet for each additional unit, to be measured along such public street, alley or right-of-way from the nearest property line to the sewer main. For the purpose of this section, the number of units computed shall include all units developed on contiguous property held under one ownership.

(c) Notwithstanding any provision to the contrary, buildings or structures, connected to a septic tank or cesspool at the time the regional sewer system becomes available, shall be connected to the regional sewer system within three years after the regional sewer system becomes available or, if the property has previously been subject to an earlier connection date by reason of requirements of a jurisdiction other than the city, then said connection shall be made on or before said earlier date, provided that if the Director determines the continued use of the septic tank or cesspool will create an immediate health menace, the property shall be connected within the time specified by the Director. Buildings or structures not connected as required by this section are public nuisances.

(d) No person shall cause, suffer or permit the disposal of sewage, or other liquid wastes into any drainage system on any lot which is not connected the regional sewer system when such connection is required by this section.

(e) Cemeteries will not be subject to the requirements of Section 6-303, except that any facilities used for other than cemetery purposes and separate major maintenance facilities fronting a public street shall be required to connect to the city sewer system subject to the availability of sewers as provided in Section 9-502. (Orig. Ord. 4726; Am. Ord. 5415, 1958; Am. Ord. 5777, 1960; Am. Ord. 6466, 1964; Am. Ord. 6882, 1966; Am. Ord. 6889, 1966; Am. Ord. 82-100, § 1, eff. 10-15-82; Am. Ord. 85-22, § 1, eff. 3-22-85; Am. Ord. 98-87, §§ 4, 5, 1-9-99)

SEC. 6-304. PERMIT REQUIRED AND PAYMENT OF SEWER CONNECTION CHARGES.

(a) No person shall connect any lot to the city sewer system without a permit from the Director of Development. No permit shall be issued by the Director of Development unless the following sewer connection charges, when applicable, have been paid:

(1) Lateral Sewer Charge. A Lateral Sewer Charge shall be required for each lot sought to be connected to the city sewer system based on the net area of such lot, in the amount per square foot as designated in the Master Fee Resolution.

Notwithstanding the above:

(i) Property, which has not previously had city sewer service, shall pay a Lateral Sewer Charge only to the extent that such Lateral Sewer Charge or the cost of the main serving the premises has not heretofore been paid by the applicant or his predecessor in interest.

(ii) Where the applicant is required to extend a sewer main across his property frontage as a condition precedent to receiving service, no such charge

shall be collected for that portion of the frontage adjacent to the main which the applicant is required to extend.

(iii) When only a portion of a lot is developed and the remaining portion is to continue undeveloped or is to be used solely for the growing of agricultural crops, the Director may require the payment of the Lateral Sewer Charge applicable only to that portion of the lot developed or to be developed. When the balance of the lot is developed, the Lateral Sewer Charge on that portion shall be paid regardless of whether additional sewer service is required. The Director shall fix the portion of the lot that is to be considered as developed.

(iv) Properties, on behalf of which no contribution has been made to the cost of the sewer mains and which receive service from sewer main extensions made in other than dedicated and surfaced streets, shall pay to the city the same Lateral Sewer Charge as would be payable if the sewer main were located in a dedicated street adjacent to the property to be served.

(v) In the R-A, AE-5 and AE-20 zone districts on a developed lot at least two net acres in size, when a portion not fewer than twelve thousand five hundred square feet of such lot is to be improved with one additional single-family residence or the existing residence is to be connected to the city sewer system, the Director may require the payment of the Lateral Sewer Charge applicable only to the portion of such lot to be improved or occupied by the existing residence to be connected to the city sewer system. When the land use on the balance of the lot changes either through district amendment or special permit, the Lateral Sewer Charge shall be paid regardless of whether or not additional sewer service is required. The Director shall fix the portion of such lot which is to be considered as improved or occupied.

(vi) For separate maintenance facilities within cemeteries and on facilities used for other than cemetery purposes, the Director shall fix the area of the lot for Lateral Sewer Charges based on dimensions of the property actually used for such purposes.

(2) Oversize Sewer Charge. An Oversize Sewer Charge shall be required for each lot sought to be connected to the regional sewer system based on the net area of such lot, in the amount per square foot designated in the Master Fee Resolution. Parcels of land proposed for subdivision shall be assessed based on the parcels' net area prior to subdivision.

Property which has wholly or proportionately paid the cost of sewer mains, when such fact has been or can be established to the satisfaction of the Director, need pay only the Oversize Sewer Charge applicable to the portion of the property for which the charge has not been paid. Notwithstanding the above:

(i) When only a portion of a lot is developed, and the remaining portion is to continue undeveloped or is to be used solely for the growing of agricultural crops, or for public recreation uses not enclosed in a building, the Director may require the payment of the Oversize Sewer Charge applicable only to that portion of the lot developed or to be developed, provided that the parcel for which such fees are charged shall have an area of not fewer than twelve thousand five

hundred square feet. When the balance of the lot is developed, the Oversize Sewer Charge shall be paid regardless of whether or not additional sewer service is required. The Director shall fix the portion of the lot which is to be considered as developed.

(ii) In the R-A, AE-5 and AE-20 zone districts on a developed lot at least two net acres in size, when a portion not fewer than twelve thousand five hundred square feet of such lot is to be improved with one additional single-family residence or the existing residence is to be connected to the regional sewer system, the Director may require the payment of the Oversize Sewer Charge applicable only to the portion of such lot to be improved or occupied by the existing residence to be connected to the regional sewer system. When the land use on the balance of the lot changes either through district amendment or special permit, the Oversize Sewer Charge shall be paid regardless of whether or not additional sewer service is required. The Director shall fix the portion of such Lot which is to be considered as improved or occupied.

(iii) Oversize Sewer Charges shall be paid upon connection with the regional sewer system, except that in the UGM area, a subdivider may receive oversize sewer and extra depth sewer fee credits in the amount of reimbursements due at the reimbursement rate in effect at the time of construction, in accordance with subdivision (c) of Section 6-306, for property owned by such subdivider who has previously constructed oversize sewers in the Oversize Sewer Service Area which totally includes such property. This provision shall apply to all tract maps approved after July 1, 1983.

(iv) On separate maintenance facilities within cemeteries and on facilities used for other than cemetery purposes, the Director shall fix the area for Oversize Sewer Charges based on the dimensions of the property actually used for such purposes.

(3) House Branch Sewer Charge.

(i) For each lot, which requires a new or revised house branch for which the installation or revision of the house branch is arranged by the city, the applicant shall pay to the city a House Branch Sewer Charge for the cost of the installation or revision. The cost of installation or revision shall be equal to the contract price paid by the city, plus such amounts as are designated in the Master Fee Resolution for administration, engineering, and inspection.

(ii) Each lot or premises shall be served with a separate sewer house branch, unless approved by the Director and a recorded covenant, approved by the City Attorney's Office, is executed between the affected property owners.

(iii) Where a lot is sought to be connected to an existing house branch, for which the cost has not previously been paid on behalf of the lot, the House Branch Sewer Charge shall be the same as if the house branch were a new house branch. If such connection is sought more than one year after the installation of such branch, simple interest shall be added at the rate of seven per cent (7%) per annum to the cost of installation as defined above, except that no interest shall accrue beyond five years from the date of installation.

(4) Trunk Sewer Charge. A Trunk Sewer Charge shall be required for all residential lots, within an established Trunk Sewer Service Area, sought to be connected to the regional sewer system in the amount designated in the Master Fee Resolution. The purpose of this subdivision is to ensure the provision of an adequate trunk sewer system to convey domestic and industrial wastes to the POTW treatment plant and to provide a means for levying and collecting charges to be used solely for the purpose of designing and constructing trunk sewer mains to serve designated Trunk Sewer Service Areas.

(i) The Council shall by resolution establish a Trunk Sewer Service Area, which is an area served by a trunk sewer main. The resolution may establish benefit to multiple Trunk Sewer Service Areas served from a common trunk sewer main, in which event, funds collected in the individual Trunk Sewer Service Areas may be used to finance the construction of the trunk sewer main. The service areas may be amended by the Council from time to time to reflect unusual sewer service capabilities or to reflect modifications in urban land use boundaries. The Director may make minor modifications to the Trunk Sewer Service Map, as sewer mains are extended at the fringes of the Trunk Sewer Service Areas, to reflect actual sewer service capabilities. Minor modifications are those changes to the Trunk Sewer Service Area boundary that when aggregated do not add or subtract more than forty acres to or from the Trunk Sewer Service Area. The Director shall maintain an official Trunk Sewer Service Map designating all established Trunk Sewer Service Areas.

(ii) The Council shall designate in the Master Fee Resolution a schedule of charges for each Trunk Sewer Service Area. The total amount of charges to be generated shall be based on the cost of the trunk sewer main to serve Trunk Service Area(s) or the cost to enhance the capacity of an existing trunk sewer main in a Trunk Sewer Service Area. The cost of a trunk sewer main shall include all of the direct and incidental costs of constructing the new trunk sewer main or the capacity enhancement for an existing trunk sewer main including, but not limited to, land acquisition, design and engineering, construction, financing costs, inspection and contract administration.

(iii) A Trunk Sewer Charge shall be required for every lot within a Trunk Sewer Service Area to be connected to the regional sewer system unless the Council, by resolution, waives the payment in that Trunk Sewer Service Area for existing developed lots without public sewer service. The total amount of charges to be generated in each Trunk Sewer Service Area shall be based on a reasonable allocation made by the Council considering the estimated or actual cost of design and construction of the trunk sewer main facilities and may include the cost to finance construction.

(iv) The Council may review and amend the Trunk Sewer Charges by amending the Master Fee Resolution from time to time to reflect inflation or any change in the factors affecting the cost of constructing such trunk sewer main facilities or the estimated number of units to be served by the facilities.

(v) All Trunk Sewer Charges collected from development within a Trunk Sewer Service Area shall be deposited in the Trunk Sewer Service Area account for that area. The Trunk Sewer Service Area account, including any accumulated

interest, shall be used solely for the purposes of designing and construction, including costs of financing trunk sewer main facilities in that Trunk Sewer Service Area, and for administration, inspection, and engineering costs of the city directly related thereto, except that monies accumulated in that account may be loaned to another Trunk Sewer Service Area as provided in this subdivision. In the event trunk sewer main facilities are designed or constructed by a developer, the Trunk Sewer Charges collected for such design and/or construction, less costs incurred by the city, shall be paid to the developer responsible for the design and/or construction, subject to Council approval.

(vi) The Council may authorize the use of funds accumulated in one Trunk Sewer Service Area account for construction of or making bonded debt payments for trunk sewer mains in another such area, provided the Council finds that the existing sewer service level in the Trunk Sewer Service Area with excess funds is adequate to provide service to all existing and approved development, and that the funds remaining on hand after the loan in that service area account are adequate to make the current bonded debt payments. The resolution authorizing a loan of funds to another Trunk Sewer Service Area shall establish the terms of the transaction and shall include provisions that the funds borrowed from a Trunk Sewer Service Area, including interest at a rate determined by the Controller to be the average annual rate received by the city on its investments, shall be repaid from Trunk Sewer Charges collected from subsequent development in the Trunk Sewer Service Area in which the trunk sewer was constructed. Loans from other Trunk Sewer Service Areas including interest shall be repaid in the order in which the Council approved such loans.

(5) Wastewater Facilities Charge. A Wastewater Facilities Charge shall be required for all residential sought to be connected to the regional sewer system in the amount designated in the Master Fee Resolution. The purpose of this subdivision is to ensure the provision of adequate POTW treatment plant and appurtenant facilities, and to provide a means for levying and collecting charges to be used solely for the purpose of designing and constructing a POTW treatment plant and appurtenant facilities.

(i) A Wastewater Facilities Charge in the amount designated in the Master Fee Resolution shall be required for every lot sought to be connected to the regional sewer system,

(ii) The Wastewater Facilities Charge shall be based on the cost of wastewater treatment facilities to be constructed to provide additional treatment capacity per unit for every lot sought to be connected to the regional sewer system for which sewerage treatment is provided by the subject facilities. The cost of the facilities providing expanded treatment capacity shall include all direct and incidental costs for constructing wastewater treatment plant facilities, including but not limited to, land acquisition, design, financing costs, inspection and contract administration.

(iii) All Wastewater Facilities Charges and interest thereon shall be deposited in the sewer service fund and shall be used solely for the purposes of design and construction, including costs of financing, and for administration, inspection and engineering costs of the city directly related to the enhancement of treatment capacity at the POTW treatment plant and appurtenant facilities.

(iv) The Council may review and amend the Wastewater Facilities Charge by amending the Master Fee Resolution from time to time to reflect inflation or any change in the factors affecting the cost of constructing such wastewater treatment facilities or the estimated number of units to be served by the facilities. The Council shall eliminate the charge at such time as revenues are no longer needed to enhance capacity at the POTW treatment plant or to pay the debt service related to capacity enhancement.

(b) When land is subdivided prior to the time the Final Map or Parcel Map is approved, the owner shall pay or cause to be paid all applicable sewer connection charges, except that the Wastewater Facilities Charge applicable to residential subdivisions shall be paid at the time of the issuance of a building permit for any structure to be constructed on such property.

(c) Payment of charges and issuance of permits pursuant to this section do not authorize the permittee to perform or cause to be performed work specified in this article to be performed by the city.

(d) Whenever the Council, the Board of Supervisors of the county, or the Board of a special district, whichever is applicable, has adopted a resolution of intention to construct regional sewer system improvements, no permit for additions to or connection to the regional sewer system to serve any lot included in the district subject to such resolution shall be issued until the hearing of protest has been finally determined in favor of the protestants or the proposed work has been consummated sufficiently to allow the lot to be served by such regional sewer system improvements.

(e) Payment of Lateral Sewer Charges pursuant to subdivision 6-304(a)(1), Oversize Sewer Charges pursuant to subdivision 6-304(a)(2), and House Branch Sewer Charges pursuant to subdivision 6-304(a)(4) may be deferred until issuance of a certificate of occupancy pursuant to an agreement which conforms to the requirements of Section 12-4.604.

(f) Payment of Trunk Sewer Charges pursuant to subdivision 6-304(a)(5), and Wastewater Facilities Charges pursuant to subdivision 6-304(a)(6) related to a business shall be deferred until issuance of a certificate of occupancy and collected pursuant to the requirements of Section 6-310. (Orig. Ord. 4726; Am. Ord. 5777, 1960; Am. Ord. 5834, 1960; Am. Ord. 6261, 1963; Am. Ord. 6466, 1964; Am. Ord. 6821, 1966; Am. Ord. 6882, 1966; Am. Ord. 67-48, 1967; Am. Ord. 67-49, 1967; Am. Ord. 69-41, 1969; Am. Ord. 72-140, 1972; Added Ord. 72-170, 1072; Am. Ord. 73-84, § 2, eff. 5-20-73; Am. Ord. 74-18, § 1, eff. 3-10-74; Am. Ord. 75-11, § 1, eff. 4-1-75; Am. Ord. 75-69, § 4, eff. 7-27-75; Am. Ord. 75-96, § 1, eff. 10-19-75; Am. Ord. 80-59, § 5, eff. 5-9-80; Am. Ord. 80-115, § 99, eff. 8-8-80; Am. Ord. 80-164, § 4, eff. 12-5-80; Am. Ord. 82-82, § 1, eff. 9-17-82; Am. Ord. 82-100, § 2, eff. 10-15-82; Am. Ord. 83-122, § 1, eff. 9-30-83; Am. Ord. 85-9, § 1, eff. 2-15-85; Am. Ord. 85-22, § 2, eff. 3-22-85; Am. Ord. 90-84, § 6, eff. 8-31-90; Am. Ord. 90-123, § 1, eff. 12-7-90; Am. Ord. 91-32, § 1, eff. 5-10-91; Am. Ord. 92-69, §§ 6, 7, eff. 9-25-92; Am. Ord. 95-38, § 1, eff. 6-9-95; Am. Ord. 96-62, § 1, eff. 10-25-96; Am. Ord. 98-87, §§ 6, 7, 1-9-99)

SEC. 6-305. PAYMENT OF SEWER CHARGES.

(a) The amount of any sewer connection charges or sewer facility charges prescribed under the provisions of this article shall be deemed a debt owing to the city which, until paid, shall be a continuing obligation of the owner of such property for connection to the regional

sewer system. Any person who makes a connection to the regional sewer system without having paid such charges in full or having accomplished the execution, acceptance and recording of an agreement to pay therefor as herein provided, shall be liable in an action in the name of the city in any court of competent jurisdiction for the amount of such charge. The conviction or punishment of any person for connecting to the regional sewer system without obtaining a permit shall not relieve such person from paying the charges due and unpaid at the time of such conviction.

(b) This section shall neither apply to the construction or payment for sewers which have been provided for under procedures regulating the division of land or the connection of sewers to property owned by a government or governmental agency, nor whenever the Council or Board of Supervisors of the county, whichever is applicable, has adopted a resolution of intention to construct improvements by special assessments within a district which includes said lot.

(c) Payment of sewer connection charges or sewer facility charges together with interest on the unpaid balance, payable because of connection of existing single-family residences anywhere in the City's service area, and commercial or industrial development in the Enterprise Zone, may be deferred by an agreement between the property owner and the city, to pay such charges together with interest on the unpaid balance, over a period of not more than fifteen years, in accordance with the following provisions:

(1) The agreement shall provide for substantially equal bimonthly installments amortized over a period of not more than fifteen years, at a rate of interest as periodically established by the Controller and adopted by the Council in the Master Fee Resolution.

(2) The sewer connection charges which may be deferred, and limitations, if any, on the amounts that may be deferred, shall be as established in the Master Fee Resolution.

(3) The agreement shall be of a form and content prescribed by the Controller and approved by the City Attorney.

(4) The agreement shall be signed by all persons having a record title interest in the real property being served by the city sewer system, to which connection is requested, and shall include the legal description of the property.

(5) The agreement shall provide that the whole, or any part of the balance of charges due at any time under the agreement may be accelerated and paid at any time, at the option of the payer.

(d) The agreement provided for in subdivision (c) above shall be in the form of a covenant running with the land, and shall establish a lien against the property in favor of the city in the amount of all deferred charges, and shall be recorded in the office of the Fresno County Recorder.

(e) The agreement and lien shall be enforceable by the city in any manner available at law or in equity, including but not limited to private foreclosure and sale of the property in the manner provided by Section 2924 of the California Civil Code. (Orig. Ord. 4726; Am. Ord. 5777, 1960; Am. Ord. 5834, 1960; Am. Ord. 6261, 1963; Am. Ord. 6466, 1964; Am. Ord. 6821, 1966;

Am. Ord. 6882, 1966; Added Ord. 67-48, 1967; Am. Ord. 67--49, 1967; Am. Ord. 72-140, 1972; Am. Ord. 75-69, § 5, eff. 7-27-75; Am. Ord. 80-115, § 100, Eff. 8-8-80; Am. Ord. 82-22, § 2, eff. 3-19-82; Am. Ord. 90-61, § 1, eff. 7-27-90; Am. Ord. 91-51, § 1, eff. 6-14-91; Am. Ord. 98-87, §§ 8, 9, 1-9-99; Am. Ord. 2003-35, § 1, eff. 5-30-03; Am. Ord. 2003-75, § 1, eff. 10-5-03).

SEC. 6-306. REIMBURSEMENTS.

(a) Oversize Sewer Mains (Non-UGM). Reimbursements for Oversize Sewer Charges paid pursuant to subdivision 6-304(a)(2), as the result of development in areas other than an UGM sewer service area, shall be made as follows:

(1) When a city sewer main installed by a person is required by the Director to be constructed to a size larger than eight inches in diameter, the city shall reimburse such person in an amount designated in the Master Fee Resolution. The amount to be reimbursed shall be credited against the Oversize Sewer Charge to be paid on behalf of all property contributing to the cost thereof, in proportion to the amount of such contribution. If the credit for any such property exceeds the Oversize Sewer Charge, then a sum equal to the difference shall be paid from the sewer connection account upon city acceptance of the main.

(2) When a city oversize sewer main installed by a person is required by the Director to be constructed at a depth greater than eight feet, the city shall reimburse such person in an amount designated in the Master Fee Resolution. The amount to be reimbursed shall be credited against the Oversize Sewer Charge to be paid on behalf of all property contributing to the cost thereof in proportion to the amount of such contribution. If the credit for any such property exceeds the Oversize Sewer Charge, then a sum equal to the difference shall be paid from the sewer connection account upon city acceptance of the main.

(b) City Sewer Mains.

(1) This subdivision shall be applicable to city sewer mains installed after July 1, 1975, except when constructed by special assessments,

(2) Any person installing a city sewer main shall, prior to construction of the city sewer main, file with the Director a legal description of the properties on behalf of which contributions have been made to the cost of the construction, and a statement of the proportions of the cost borne by each property. Within ninety days following city acceptance of the city sewer main, such person shall file with the Director a project accounting, in a form as specified by the Director, stating the cost (excluding any city reimbursement) of the construction of the main. In the event a project accounting has not been filed with the Director within such period, then a reimbursement under subdivision (b)(3), below, shall not be made in the event additional property is connected to the sewer main constructed. If an ownership statement is not filed prior to construction, only the property served by the city sewer main and owned by the person who installed the city sewer main on the date of commencement of installation will be deemed to have paid for the installation; provided, that if within seven years after the date of commencement of installation such person acquires in fee property served by the city sewer main which would otherwise be subject to payment of Lateral Sewer Charges, such person shall also be deemed to have paid the Lateral Sewer Charges for such property.

(3) For the initial reimbursement period, or, if applicable, the extended reimbursement period, as such terms are defined in Section 12-4.501.5-F of this Code, after city acceptance of a city sewer main referred to in subdivision (b)(1) above, the person or persons bearing the cost of such city sewer main construction may be reimbursed pursuant to this subdivision (b). The Lateral Sewer Charges collected by the city pursuant to this article for connection to such city sewer main shall be paid by the city proportionately to the owner or owners of property on behalf of which contributions were made to the cost of construction of such city sewer main. When a person is entitled to an UGM fee reimbursement under this subsection, the city shall make semiannual payments, in amounts determined by the Director, in the manner and for the period prescribed by Section 12-4.504-C of this Code. However, neither shall reimbursement exceed the sum of (1) one hundred percent of the cost of constructing city sewer mains which do not front on any contributing property, and (2) fifty per cent of the cost of constructing city sewer mains fronting on properties on behalf of which such contributions were made; nor shall the total reimbursement exceed the total amount of the Lateral Sewer Charges which would have been payable by property on behalf of which no contribution was made to the cost of installation as of the date of city acceptance of the city sewer main. Such reimbursements shall be paid from the applicable sewer connection account.

(4) If the total amount of the Lateral Sewer Charges (based on fees in effect on the date of city acceptance of the city sewer main) which would be collectible from property on behalf of which no contribution has been made to the cost of installation is less than one thousand dollars, the Director may elect to proportionately reimburse from the applicable sewer connection account, after completion of the city sewer main, to the person or persons contributing to the cost of constructing the city sewer main, the amount of said Lateral Sewer Charges which would be collectible from non-contributing property. If the Director elects to reimburse in this manner, such person or persons will be eligible neither for the exemption provided in subdivision (b)(2) above nor for further reimbursement provided in subdivision (b)(3) above.

(5) For purposes of reimbursements, where a property has more than one frontage, the actual Lateral Sewer Charge paid shall be apportioned between the frontages on which the calculation of charges was based in the ratio of the total length of each frontage.

(c) UGM Oversize Sewer Mains. Oversize Sewer Service Areas shall be established for all land located within the Urban Growth Management Area, the boundaries of which areas shall reflect that territory which the Director determines will receive primary service from existing or projected oversized facilities or other trunk sewer mains identified by the Director.

(1) The maximum reimbursement for oversize sewer cost, which may be paid from the sewer connection account upon city acceptance of an oversize sewer main, shall be an amount designated in the Master Fee Resolution.

(2) All subsequent reimbursements, in amounts designated in the Master Fee Resolution, shall be determined semiannually on or about each April first and October first following city acceptance of the city sewer main, and shall occur only to the extent Oversize Sewer Charges are paid on behalf of non-contributing properties located within the service area of the oversize sewer main for the duration of the appropriate reimbursement period, as defined in Section 12-4.501-F of this Code. The order of

reimbursements shall be based on the dates of submittal of project accountings to the Director. Reimbursements shall not be initiated for an oversize sewer main until reimbursements are complete for oversize sewer mains covered by previously submitted project accountings. Project accountings must be filed with the Director within ninety days of city acceptance of the oversize sewer main. Reimbursements shall not be made if project accountings are not so filed within such period.

(3) In the event all construction which would be subject to payment of the Oversize Sewer Charge which would be used for reimbursement purposes within an UGM service area is effectively barred or prohibited by any governmental agency having superior jurisdiction to the city, or by any legal action initiated by or on behalf of any such agency, the applicable reimbursement period as defined in Section 12-4.501.5-F of this Code, shall be extended on a day-to-day basis for the duration of any such moratorium, but not exceeding the appropriate cumulative reimbursement period.

(4) Reimbursements in excess of the maximum reimbursement amount may be paid only after such amount has been repaid through the collection of Oversize Sewer Charges within the service area of the subject oversize sewer main. A credit shall be given against the Oversize Sewer Charge on those properties required to construct an oversize sewer main whenever the estimated cost of construction exceeds the fee obligation.

(d) When reimbursements are made pursuant to subdivision (b) or (c) of this Section 6-306, the city shall retain an administrative charge pursuant to Section 12-4.504-C. Reimbursement of the fees shall be made in the manner and for the period prescribed by Section 12-4.504-C of this Code.

(e) Trunk Sewer Mains Reimbursement Provisions.

(1) Where a developer installs a trunk sewer main or portion thereof, he shall file with the Director, within ninety days following city acceptance of the trunk sewer main, a project accounting stating the cost of construction of the trunk sewer main. The project accounting shall include a legal description of all properties on behalf of which contributions have been made to such costs, and a statement of the proportion of the costs borne by each property.

(2) Following the receipt of the project accounting, the Director shall make semiannual determinations on or about each April first and October first, in the manner prescribed in Section 12-4.504-C of this Code, of the amounts to be reimbursed to the persons who constructed the trunk sewer main as shown in the project accounting, subject to the following:

(i) Each determination shall calculate the Trunk Sewer Charges which have been collected during the preceding six months for land developed within the Trunk Sewer Service Area in which the trunk sewer main is located.

(ii) No reimbursements shall be made if the project accounting was not filed within the time specified in subdivision (1) of this subsection.

(iii) In no event shall reimbursement payments be made which total in excess of the cost of the trunk sewer main as shown on the project accounting.

(3) The Trunk Sewer Charge on the property contributing to the cost of the trunk sewer main shall be either increased or decreased by an amount equal to the difference between the actual cost of construction and the fee obligation established at the time of the granting of the entitlement.

(4) Reimbursement payments shall be made neither after the end of the appropriate reimbursement period, as defined in Section 12-4.501-F of this Code, nor shall reimbursement be made which would reduce the balance in the Trunk Sewer Service Area account to an amount less than the bond debt payments due during the next twelve months.

(5) The priority of reimbursements shall be according to dates the project accounting statements are accepted by the Director.

(6) Reimbursements shall not be made until reimbursements are complete for the trunk sewer main, which is covered by previously submitted project accounting statements. (Added Ord. 75-69, § 6, eff. 7-27-75; Am. Ord. 76-8, § 1, eff. 2-22-76; Am. Ord. 80-115, § 101, eff. 8-8-80; Am. Ord. 80-164, § 7, eff. 12-5-80; Am. Ord. 83-163, § 1, eff. 1-20-84; Am. Ord. 89-85, §§ 1, 2, eff. 7-28-89; Added Ord. 90-84, § 7, eff. 8-31-90; Am. Ord. 98-87, §§ 10, 11, 1-9-99)

SEC. 6-307. HOUSE BRANCHES.

(a) The charge for replacement of an existing house branch by one of a larger size shall be the same as for a new house branch of the size requested, except that when sewer mains and house branches are being replaced under a city sewer replacement program, the charge for increasing the size of a house branch will be the difference in cost between the size requested by the property owner and the size which would normally be installed by the city under its replacement program.

(b) Where it is necessary to relocate a house branch for the convenience of a property owner, or where relocation is required because the construction by or on behalf of the property owner will interfere with the operation or maintenance of the house branch, the charge for such relocation shall be the cost for labor (including overhead), equipment and material.

(c) The minimum size of the house branch installed for any property shall be as the Director may designate.

(d) When a property owner requests the abandonment of one or more house branches and the installation of one or more new house branches, the cost of abandonment and the cost of the new branches shall be paid for by the customer as specified in subdivision 6-304(a)(4).

(e) Where a house branch sewer must be constructed under a major street which was surfaced within the previous five years with permanent concrete or asphalt concrete surfacing, the house branch shall be installed by jacking or boring under the surface. (Added Ord. 75-69, § 7, eff. 7-22-75; Am. Ord. 98-87, §§ 12, 13, 1-9-99)

SEC. 6-308. SEWER SYSTEM CONSTRUCTION.

(a) Any person desiring to make an addition to the city sewer system to serve property shall make a request in writing to the Director for preliminary investigation into the feasibility of such addition. If the addition as requested is found to be feasible by the Director, such addition may be made to the city sewer system in accordance with the provisions of this chapter. The Director shall cause the installation to be inspected, and shall allow the final connection to such system only if it is found that such additions conform in all respects with the standard specifications for sewer facilities of the city, with applicable health laws, and with the lines and grades designated by the Director.

(b) If a right-of-way is needed for an addition to the city sewer system, the person constructing the addition shall obtain such right-of-way for the city, or pay the cost to the city of acquiring such right-of-way.

(c) If the Director determines that a pump station is necessary to serve the property of the person installing the city sewer main, such person shall install a pump station meeting specifications approved by the Director and shall pay the full cost of such installation.

(d) When new, enlarged or additional sewer service is required to serve a property, city sewer mains shall be installed across the full frontages of the property unless the Director determines that city sewer mains are not required at that time across the full frontage to serve other properties or because an undeveloped portion of the subject property does not require sewer service. Where a property has more than one frontage on which city sewer main installation would be required by this subsection, the Director may require payment of Lateral Sewer Charges in lieu of city sewer main installation along such additional frontages. Lateral Sewer Charges collected pursuant to this subsection shall be deemed as reimbursable pursuant to subsection 6-306(b)(3).

(e) Specifications and plans for the installation of additions to the city sewer system shall be prepared by a registered civil engineer and shall be approved by the Director before a permit for doing the work may be issued.

(f) When a city sewer main has been installed in public streets or easements pursuant to the regulations of the city and has been accepted by the Director, then the sewer main shall become the property of the city and a part of the city sewer system. House branch sewers, including their connection to city sewer mains, shall not be considered as city property or become a part of the city sewer system, and their maintenance and repair shall not be provided by the city.

(g) In the designated area of the city that requires the installation of house sewer traps, they shall be installed as follows:

(1) Each house branch sewer shall have a trap as required under Chapter 11, Article 1 of this Code. The trap shall be in the parkway or as near as possible to the property line.

(2) A fresh air inlet, not fewer than four inches in diameter, shall be installed on the house side of each such trap. Each such inlet shall be fitted with an approved cap, which will prevent the depositing of any foreign matter to the inlet.

(3) All fresh air inlets on public right of way shall be installed flush with adjacent ground. Ground adjacent to all fresh air inlets shall be graded so that surface water will

not enter the inlet. The fresh air inlet shall be located between the curb and the sidewalk, unless approved otherwise by the Director of Development.

(4) Where there is no definite drainage pattern to the yard area, any fresh air inlet on private property shall extend a minimum of six inches above the adjacent ground. Where practical, the fresh air inlet shall terminate below the floor level of the building being serviced. Where it is not practical to do so, an approved backwater valve shall be installed. This device shall be installed as required under Chapter 11, Article I of this Code, except when a backwater valve is installed in a building sewer, the main house branch trap may be omitted and a combination wye and 1/8 bend or a two-way clean-out fitting shall be installed on the building side of the backwater device. A full size vent shall be installed into the fitting and shall extend to the surface of the ground and terminate with a vent cap which meets the requirements.

(5) Notwithstanding the provisions of Section 6-323 in this article, the enforcement of this subsection shall be the responsibility of the Director of Development.

(h) The person constructing an addition to the city sewer system shall reimburse the city for its cost of labor (including overhead), equipment and materials for the following:

(1) Construction or revision of house branches where the Director determines that the site conditions are such that there is a significant hazard to the public convenience, safety and health or to private property in the area, and that such hazard may be mitigated if the city makes arrangements for construction or revision.

(2) All connections to pressure sewers after completion of such sewers.

(3) Review and approval of specifications and plans submitted by the applicant for the proposed additions to the city sewer system.

(4) Preliminary investigation of the feasibility of additions to the city sewer system.

(5) Any design, surveying, inspection or testing performed by the city in connection with an addition to the city sewer system. Such reimbursements may be made at standard rates to cover costs as may be designated by the Council from time to time in the Master Fee Resolution.

(i) Although it is the intent of this article that arrangements necessary to install city sewer mains required to serve property shall be the responsibility of the person desiring such service, an exception is necessary to facilitate minor additions to the city sewer system. The city may, upon written request of the applicant, take all steps necessary to complete the total installation subject to the following conditions:

(1) Total of front footage for which Lateral Sewer Charges would be payable if city sewer mains existed plus off-site sewer required is three hundred feet or less.

(2) Applicant pays the Oversize Sewer Charge, the Lateral Sewer Charge, the Wastewater Facilities Charge, and the Trunk Sewer Charge if applicable for the property as though city sewer mains already existed on the property frontage.

(3) Applicant reimburses the city in accordance with this article for the house branch and preliminary investigation.

(4) Applicant pays to the city the fee designated in the Master Fee Resolution for each foot of city sewer main installed to cover the cost of design, surveying, inspection, and testing.

(j) Connections to city sewer mains in other than dedicated and surfaced streets or alleys shall not be permitted where service can be rendered from dedicated and surfaced streets or alleys by extension or otherwise. (Orig. Ord. 4726; 5309, 1958; 5311, 1958; Am. Ord. 5777, 1960; Am. Ord. 6261, 1963; Am. Ord. 6667, 1965; Am. Ord. 6882, 1966; Am. Ord. 69-41, 1969; Am. Ord. 72-136, 1972; Am. Ord. 75-11, §§ 2, 3, eff. 4-1-75; Am. Ord. 75-69, § 8, eff. 7-27-75; Am. Ord. 75-96, § 2, 10-19-75; Am. Ord. 80-115, §§102, 103, eff. 8-8-80; Am. Ord. 98-87, §§ 14, 15, 1-9-99)

SEC. 6-309. SEWER SERVICE CHARGES.

City of Clovis and member agencies of the city's POTW shall adopt, by ordinance, regulation or both, a sewer service charge system in accordance with Section 204(b)(1)(A) of the Act (33 U.S.C. § 1284(b)(1)(A)), 40 C.F.R. §§ 35.929 through 35.939-3, Section 307(b) and (c) of the Act (33 U.S.C. § 1317(b) and (c)) and 40 C.F.R. § 403.9.

(a) **Monthly Sewer Service Charge.** The monthly sewer service charge comprised of a capital component and an operations and maintenance component, for use of the wastewater collection system and treatment facilities shall be designated in the Master Fee Resolution. In case of fee sharing agreements such as those existing with the Pinedale County Water District and the Pinedale Public Utility District only the operations and maintenance fee component shall be used.

(b) **Additional Requirements.** Industrial users, as defined in Section 6-302, shall comply with the following: (1) Industrial high strength users are industrial users that have an effluent volume greater than 25,000 gallons per day or, for those industrial users with no totalizing effluent meter, a potable water volume of greater than 27,500 gallons per day, or who are otherwise determined by the Director. For industrial high strength users, the Director shall determine the strength for billing purposes by utilizing one of the following methods:

(i) By taking the average of the analyses made by the city for a given billing period. Where an industry operates on a seasonal basis, charges will be based upon analyses made during the periods of operation. If a minimum number of measurements cannot be taken in a billing period, all analyses taken during the previous six months shall be averaged and that value will be used for billing purposes.

(ii) When requested in writing, the Director may authorize an additional two tests per billing period if the Director finds that the additional testing will give a more representative average. All costs, including overhead associated with the sampling and testing of the additional two samples, will be charged directly to the industrial user.

(c) **Determination of Charges.** The following provisions shall be applied when appropriate in determining charges for sewer service and responsibility therefor:

(1) Any person charged for sewer service may, upon request to the Director, have his sewer service charges calculated pursuant to and subject to the conditions set forth in Subdivision (2) hereof.

(2) The quantities of wastewater produced shall be determined in one of the following ways:

(i) By use of an effluent wastewater meter which has flow-totalizing capability, installed and maintained at the expense of the owner or occupant of the premises and approved by the Director.

(ii) If no effluent wastewater meter is available, by the use of a potable water meter which meters all sources of incoming potable water, including private wells.

(iii) If (i) or (ii) are not applicable, then as determined by guidelines established by the Director which shall be conclusive. Such determinations of the Director shall be effective for not more than one year. Where the volume of wastewater produced by any premises is determined by the Director, instead of by installation of an effluent wastewater meter, the owner or occupant of such premises shall pay to the city the cost of making the original and each subsequent annual estimate, subject to a minimum charge designated in the Master Fee Resolution.

(iv) In lieu of the above, public and parochial schools may be charged for sewer service on the basis of average daily attendance as designated in the Master Fee Resolution, provided the premises so charged for sewer service are used exclusively for school purposes with no residential uses thereon. Such charges shall be calculated on an annual basis, based on the previous years attendance divided by twelve to determine the monthly rate.

(3) Where two or more users are located on the same premises and each has a separately metered water service, the sewer service charge shall be calculated and billed in the same manner as if each user were located on a separate premises.

(4) Where several users are served on a single metered water service and the sewer service charge for one or more of such users is based upon the volume of potable water delivered to such user, then a single service charge shall be made, based upon the total volume of water delivered through such meter, which charge shall be the responsibility of the water service customer.

(5) Where a single business occupies contiguous premises served by more than one metered water service, and the sewer service charge for such use is based upon the volume of potable water delivered to such user, then a separate sewer service charge shall be made for the water used through each meter.

(6) Where two or more commercial users are served with a single metered water service and the sewer service charge for one or more of such users is based upon the volume of potable water delivered to such user, then a single service charge shall be made based upon the total volume of water delivered through such meter. The sewer service charge shall be determined by the Director based on the activity of the user

and/or analyses of the effluent and shall be the responsibility of the water service customer.

(7) Where there are mixed commercial and residential uses on the same premises, and the commercial use has separate sewer facilities to serve employees or customers, the sewer service charge shall be specified in this subsection for the residential use, plus the monthly sewer charge referred to in Subsection (a) hereof and designated in the Master Fee Resolution, for the commercial use.

(8) Where there are mixed commercial and residential uses on the same premises and the commercial use does not have separate sewer facilities to serve employees and customers, the sewer service charge shall be calculated based upon the highest economic use.

(9) Upon annexation to the city of property which has been connected to the sewer without payment, either directly or indirectly, of the cost of constructing the lateral sewer to which the property is connected, or without payment of the lateral sewer charge, oversized sewer charge, and house branch sewer charge required by this article, then the lateral sewer charge, oversized sewer charge, and house branch sewer charge imposed by this article shall be due and payable to the city.

(10) Whenever any premises are not served with city water and not billed for sewer service by a special district, and no responsible tenant or lessee agrees to and does pay the sewer service charges, the controller shall bill the owner of the premises who shall be responsible to pay said charges.

(11) Notwithstanding the foregoing, the western wineries on the separate winery waste system, industries connected to city-owned pretreatment facilities at 650 West Church Avenue, and special districts providing sewer service and/or billing service shall pay sewer service charges in accordance with agreements approved by the Council.

(d) **Special Disposal Site, Contract Disposal, Charges.** Whenever special disposal sites are constructed therefor, the Director may allow the disposal therein of the contents of trucks designed and used for the pumping out and removal of waste from septic tanks and chemical toilets. The Director is authorized to enter into agreements with septic waste disposal companies regulating such disposal, and providing for charges to recover the cost of the sites and other city expenses including wastewater treatment at the rates designated in the Master Fee Resolution.

(e) **Failure to Pay Sewer Service Charges.** Failure to pay sewer service charges shall be deemed a violation of this article and subject to the provisions of Section 6-323(d) of this Code. (Orig. Ord. 4389; Am. Ord. 5309, 1958; Am. Ord. 5917, 1961; Am. Ord. 6161, 1962; Am. Ord. 6173, 1962; Am. Ord. 6174, 1962; Am. Ord. 6385, 1963; Am. Ord. 6388, 1964; Am. Ord. 6465, 1964; Am. Ord. 6576, 1965; Am. Ord. 6650, 1965; Am. Ord. 6882, 1966; Am. Ord. 67-47, 1967; Am. Ord. 67-50, 1967; Am. Ord. 68-56, 1968; Am. Ord. 68-96, 1968; Am. Ord. 69-41, 1969; Am. Ord. 71-44, 1971; Am. Ord. 71-105, 1972; Am. Ord. 72-140, 1972; Am. Ord. 73-103, § 1, eff. 7-5-73; Am. Ord. 74-57, § 1, eff. 7-1-74; Am. Ord. 76-33, § 1, eff. 5-9-76; Am. Ord. 80-115, § 104, eff. 8-8-80; Am. Ord. 83-41, § 3, eff. 7-1-83; Am. Ord. 87-29, § 2, eff. 3-17-87; Am. Ord. 94-10, § 3, 3-11-94; Am. Ord. 98-91, §§ 1, 2, 1-1-99; Am. Ord. 2002-73, § 2, eff. 1-23-02).

SEC. 6-310. SEWER FACILITY CHARGES.

(a) Sewer Facility Charges, when applicable for a business as defined in Section 6-302, shall be based upon the estimated actual use of the regional sewer system by the premises or the user in an amount designated in the Master Fee Resolution. Sewer Facility Charges include the following:

(1) Wastewater Facilities Charge, which consists of a charge per gallon of sewer flow, plus a charge per pound of BOD, plus a charge per pound of TSS. The Wastewater Facilities Charge is determined using the following formula:

$$\text{Flow Charge} = \{\text{sewer flow(gal.)}\} \times \{\text{MFR fee rate}\}$$

$$\text{BOD Charge} = \{\text{sewer flow(mgd)}\} \times 8.345 \times \text{BOD(mg/L/day)} \times \{\text{MFR fee rate}\}$$

$$\text{TSS Charge} = \{\text{sewer flow(mgd)}\} \times 8.345 \times \text{TSS(mg/L/day)} \times \{\text{MFR fee rate}\}$$

(2) Trunk Sewer Charge, which consists of a charge per gallon of sewer flow only. The Trunk Sewer Charge is determined using the following formula:

$$\text{Flow Charge} = \{\text{sewer flow(gal.)}\} \times \{\text{MFR fee rate}\}$$

(b) **Determination of Charges.** After connection, the customer shall allow the city to monitor sewer flow and sewer loading of the business upon which Sewer Facility Charges shall be determined. Sewer flow and sewer loading shall be determined pursuant to Section 6-309(b). Following each two-month billing period, should the customer's computed sewer flow for the period be greater than the total accumulated sewer flow purchased to date, the customer shall be billed for one-eighteenth of the computed sewer flow minus the total accumulated sewer flow purchased to date. For the purpose of this section, "total accumulated sewer flow purchased" is the quantity of sewer flow purchased when all incremental and previously purchased sewer flow charges are summed.

(c) **Applicability to Businesses.** This section shall apply to any new development entitlement as defined in Section 12-603(C) for a business, or any business where there is a change in the use or the operation of a development for which a special permit is required. Notwithstanding the above:

(1) Property which has previously paid a Wastewater Facility Charge or Trunk Sewer Charge, when such payment can be determined to the satisfaction of the Director, shall only be responsible for payment of additional Sewer Facility Charges when the business' regional sewer system usage exceeds the equivalent flow units previously paid for or the billing period with the highest average daily flow over the prior twelve months, whichever is the greater.

(2) Where a development entitlement is for residential use, sewer connection charges shall be collected pursuant to Section 9-503.1.

(d) **Violation.** Failure to pay Sewer Facility Charges shall be deemed a violation of this article, and subject to the provisions of subsection 9-510(d) of this Code. (Add. Ord. 98-87, § 16, 1-9-99)

SEC. 6-311. EMPLOYMENT DEVELOPMENT CREDIT.

(a) For the purpose of encouraging employment development, the owner or proprietor of a business subject to payment of Wastewater Facility Charges pursuant to Section 6-310 may apply for an employment development credit. Employment development credit shall be subtracted from the total calculated Sewer Facilities Charges due each billing period up to the total amount of said charges in that billing period. Employment development credit given shall be based on the total number of equivalent full-time positions employed at such business. For the purposes of determining the employment development credit, an "equivalent full-time position" is defined as one or more persons to which wages were paid over a calendar month totaling 170 hours. The total amount of employment development credit received each billing period shall be determined as follows:

$$\text{Employment development credit for a billing period} = (Y) \times (150 \text{ gal.}) \times (Z) \div 18$$

Where:

$$Y = (\text{Total employee hours in a billing period} \div 2) \div 170 \text{ hrs.}$$

Z = Flow charge per gallon for the Wastewater Facility Charge as designated in the Master Fee Resolution, "Total employee hours in a billing period" is defined as those paid employee hours which occurred in the last full calendar month of the billing period plus the previous full calendar month.

(b) **Certification of Employees.** To qualify for the receipt of an employment development credit, the owner or proprietor of a business must submit a certification form as provided by the city, which provides the employer's name, employer ID number, business name, business address, billing account number, the names of all persons who were paid wages during the month, the total hours each person worked, the total wages paid to each person or other relevant information as determined by the Director. Based on the information submitted, the Director shall determine the total employment development credit the business may receive as provided in the section above, which shall be conclusive. In order to receive an employment development credit over the bimonthly billing period, the business must submit the certification form which includes such employment information for the billing period in which the credit is requested, and the form must be received by the city no later than (15) fifteen days after the end of each billing period. Certifications received later than (15) fifteen days after the end of each billing period will not receive an employment development credit in that billing period for which the certification is late.

(c) **Duration of Employment Development Credit.** The Council may elect to discontinue the provisions of this section for new businesses or development at some future time, except that, any business which has been given an employment development credit under this section shall continue to receive such credit, as long as the business' billing account remains active and certifications are received in a timely manner as provided above. In the event the billing account is closed, such credit will cease. Employment development credits may not be transferred from one business location to another. (Add. Ord. 98-87, § 17, 1-9-99)

SEC. 6-312. FINANCIAL PROCEDURES.

All billing for and collection of sewer service charges shall be handled as provided in this article and in Article 1 of Chapter 6 of this Code. (Rep. and Added Ord. 70-3, 1970).

SEC. 6-313. VACANCIES.

While any premises connected to the city sewer system are vacant, the regular minimum sewer service charge shall be payable for such premises by the owner thereof, whether or not sewer service is used, if water is connected to or available for use on the premises, unless such premises are physically disconnected from the city sewer system. Applications for determination by the Director that the premises have been physically disconnected from the city sewer system shall be made to the Director accompanied by the disconnection inspection fee designated in the Master Fee Resolution. Premises so disconnected shall not be reconnected to the city sewer system by any person except with permission of the Director. If approval for reconnection to the city sewer system is desired, an application for reconnection shall be filed with the Director, accompanied by the reconnection inspection fee designated in the Master Fee Resolution. (Orig. Ord. 4279; Am. Ord. 6161, 1962; Am. Ord. 80-115, § 105, eff. 8-8-80; Am. Ord. 98-91, § 5, 1-1-99)

SEC. 6-314. CONDITIONS OF SEWER SERVICE.

All persons using the regional sewer system shall pay for such service and for the privilege of connecting to the sewer system at the rates, at the time, and under the conditions set forth in this article, and shall comply with all regulations set forth in this article relating to the use of such regional sewer system and all applicable State and federal laws required by the Clean Water Act of 1977, the General Pretreatment Regulations (40 C. F.R., Part 403), and all other applicable parts of the Code of Federal Regulations as they are now constituted, or as they may hereafter be amended or recodified. (Orig. Ord. 4341; Am. Ord. 5777, 1960; Am. Ord. 98-91, § 6, 1-1-99; Am. Ord. 2002-73, § 3, eff. 1-23-02).

SEC. 6-315. MONITORING FACILITIES.

(a) **Required to Install.** The Control Authority shall require the user to install sampling and/or monitoring equipment, including manholes, as necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at the user's own expense. All devices used to determine wastewater flow and quality shall be calibrated, at a frequency to be determined by the Control Authority, to ensure their accuracy. The sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Control Authority unless a time extension is granted by the Control Authority.

(b) **Location of Equipment.** The sampling and monitoring equipment shall be situated on the user's premises, but the Control Authority may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public right-of way and located so that it will not be obstructed by landscaping or parked vehicles.

(c) **Access to Equipment.** If the monitoring facility is inside the user's fence, there shall be accommodations to allow access for city personnel, such as a gate secured with a city lock.

There shall be ample room in or near such sampling manhole to allow accurate sampling and compositing of samples for analysis.

(d) **Effluent Meter and Composite Sampler.** New industrial users or existing users planning a remodel of existing process facilities and/or pretreatment system which contribute high strength wastewater to the POTW shall install a nonresetable totalizing effluent meter and a flow proportioned composite sampler which is controlled by a flow meter.

(e) **Provisions for Existing Users.** Existing industrial users shall be subject to the provisions of Section 6-315(a), (b), (c), and (d) at the discretion of the Control Authority.

(f) **Plan Review.** Detailed plans showing the operation and proposed installation of all monitoring and/or sampling equipment shall be submitted to the Control Authority for review and shall be acceptable to the Control Authority before installation of the equipment. Any subsequent changes to any sampling and/or monitoring equipment shall be reported to and be acceptable to the Control Authority. (Added Ord. 2002-73, § 4, eff. 1-23-02).

SEC. 6-316. PRETREATMENT.

(a) **Pretreatment Required.** Users shall provide necessary wastewater treatment as required to comply with this article and shall achieve compliance with all federal categorical pretreatment standards and/or city effluent limitations within the time limitations specified by federal pretreatment regulations or the Control Authority, whichever is more stringent.

(b) **Pretreatment Equipment Maintenance.** Any equipment required to pretreat wastewater to a level acceptable to the Control Authority shall be provided, operated, and maintained at the user's expense.

(c) **Pretreatment Equipment Plan Review.** Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Control Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this article. Any subsequent changes in the pretreatment facilities or operating procedures shall be reported to and be acceptable to the Control Authority prior to the user's initiation of the changes.

(d) **Pretreatment Records.** All records relating to compliance with pretreatment standards shall be made available to the Control Authority upon request. (Added Ord. 2002-73, § 5, eff. 1-23-02).

SEC. 6-317. ADDITIONAL PRETREATMENT MEASURES.

(a) **Right to Restrict Flows.** Whenever deemed necessary, the Control Authority may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

(b) **Flow Equalization Required.** The Control Authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(c) **Combustible Gas Detection Meter Required.** Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Added Ord. 2002-73, § 6, eff. 1-23-02).

SEC. 6-318. HAULED WASTEWATER.

(a) **Permit Required.** Liquid waste haulers shall be required to obtain a wastewater discharge permit.

(b) **Accepted Discharge Location.** Septic tank waste may be introduced into the POTW only at locations designated by the Control Authority, and at such times as are established by the Control Authority. Such waste shall not violate Section 6-327 of this ordinance or any other requirements established by the city.

(c) **Accepted Type of Waste.** Liquid waste haulers shall transport domestic or residential liquid waste originating in Fresno County only, unless specifically permitted by the Control Authority.

(d) **Manifest Required.** Liquid waste haulers shall provide a manifest for every load. The manifest shall be of a form approved by the Control Authority and shall include, at a minimum:

- (1) The name and address of the source of the domestic waste;
- (2) The volume of waste generated; and
- (3) The truck identification. (Added Ord. 2002-73, § 7, eff. 1-23-02).

SEC. 6-319. PROBLEM DISCHARGES.

(a) **Protection Required.** Each user shall provide protection from accidental discharges, slug loads, or discharges that are otherwise determined to be non-routine or unusual in nature, that may cause potential problems for the POTW.

(b) **Protection Equipment Maintenance.** Equipment to protect from the problem discharges listed in subsection (a) above shall be provided and maintained at the user's expense.

(c) **Protection Equipment Plan Review.** Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Control Authority for review, and shall be acceptable to the Control Authority before construction of the facility. All existing users shall complete such a plan as required by the Control Authority. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this article.

(d) **Emergency Notification Procedure for Employees.** Employers shall ensure that all employees who may cause or suffer to occur a discharge as described in subsection (a) above are advised of the emergency notification procedure. (Added Ord. 2002-73, § 8, eff. 1-23-02).

SEC. 6-320. EMERGENCY SLUG CONTROL AND RESPONSE PLAN.

(a) **Biennial Evaluation.** At least once every two (2) years, the Control Authority shall evaluate whether each significant industrial user needs an Emergency Slug Control and Response Plan. The Control Authority may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Control Authority may develop such a plan for any user.

(b) **Information Required.** An Emergency Slug Control and Response Plan shall address, at a minimum, the following:

- (1) Description of all discharge practices;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Control Authority of slug discharges, including any discharge that would violate a prohibition under 40 C.F.R. 403.5(b), with procedures for follow-up written notification within five (5) days;
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response. (Added Ord. 2002-73, § 9, eff. 1-23-02).

SEC. 6-321. CONFIDENTIAL INFORMATION.

(a) **Public Access.** All information and data concerning a user obtained from reports, questionnaires, wastewater discharge permit applications, wastewater discharge permits, monitoring programs, and inspections shall be available to the public without restriction unless the user specifically requests otherwise, and is able to demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data.

(b) **Access to Governmental Agencies.** When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately to governmental agencies for uses related to the Pretreatment Program, and in enforcement proceedings involving the person providing the report.

(c) **Effluent Data Unrestricted.** Wastewater constituents and characteristics and other "effluent data" as defined by 40 C.F.R. 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Added Ord. 2002-73, § 10, eff. 1-23-02).

SEC. 6-321.1. FATS, OILS, & GREASE (FOG) CONTROL PROGRAM

(a) Title. This section shall be referred to as the “City of Fresno FOG Control Program Ordinance” or “FOG Ordinance.”

(b) Purpose. The purpose of the FOG Ordinance is to reduce Sanitary Sewer Overflows and blockages, and to protect public health and the environment by minimizing public exposure to unsanitary conditions. By controlling the discharge of fats, oils and grease to the wastewater collection system, excessive buildup in sewer lines can be lessened, thereby increasing the system’s operating efficiency and reducing the number of sewer line blockages and overflows.

(c) General FOG Discharge Prohibitions. No Food Service Establishment shall discharge or cause to be discharged into the sewer system FOG that may accumulate and/or cause or contribute to blockages in the sewer system or at the sewer lateral which connects the Food Service Establishment to the sewer system.

(d) Specific FOG Prohibitions. The following specific prohibitions shall apply to all Food Service Establishments:

(1) Discharge of any FOG-containing wastewater that is not connected to a grease removal device is prohibited, unless a waiver has been granted in accordance with Subsection (l).

(2) Non-grease laden sources such as, but not limited to, hand-wash sinks, toilets, urinals, and stormwater, shall not be connected to a grease removal device.

(3) No dishwasher shall be connected to a grease trap.

(4) Discharge of wastewater with temperatures in excess of 140° F (60°C) into any grease trap is prohibited.

(5) Garbage disposals (food grinders) shall be prohibited at all New Food Service Establishments. Existing Food Service Establishments shall remove all garbage disposals when they remodel or within one hundred eighty (180) days from receiving a notice from the Director to remove its garbage disposal(s) based on the Director’s finding that the FSE at any time caused or contributed to an SSO.

(6) Direct disposal of any waste cooking oil into any drain or cleanout that is connected to the sewer system is prohibited.

(7) Introduction of any additive into a grease removal device or directly into the sewer system for the purpose of emulsifying FOG, biologically/chemically treating FOG for grease remediation, or as a supplement to any grease removal device maintenance is prohibited, unless specifically authorized in writing by the Director.

(8) Discharge of any waste which has been removed from a grease removal device into the sewer system is prohibited.

(e) FOG Wastewater Discharge Permit Required. All Food Service Establishments shall obtain a FOG Wastewater Discharge Permit. Nothing in the permit is intended to relieve the

Food Service Establishment of any local, state, or federal regulation. Any denial of a permit may be appealed under Chapter 1, Article 4.

(f) Permit Application Requirements. FOG Wastewater Discharge Permit Applications shall include the following information:

(1) Name, address, telephone number, description of the Food Service Establishment and service activities.

(2) Name of any and all principals/owners of the Food Service Establishment.

(3) Name and address of property owner or lessor and the property manager where the Food Service Establishment is located.

(4) Floor, site and plumbing plans showing detailed sewer connections and grease removal devices.

(5) Specifications of all grease removal devices.

(6) Operational statement of FSE.

(7) Any other information as may be specified in the application form.

(g) FOG Wastewater Discharge Permit Conditions.

(1) FOG Wastewater Discharge Permits must contain the following:

(i) A statement that indicates the wastewater discharge permit duration.

(ii) A statement that the wastewater discharge permit is nontransferable.

(iii) A statement of applicable civil and criminal penalties for violation of permit and FOG ordinance.

(2) FOG Wastewater Discharge Permits may contain the following conditions or limits if found necessary to meet the intent of this Ordinance by the Director:

(i) Limits on discharge of FOG and other pollutants.

(ii) Requirements to install, operate, and maintain adequate pretreatment devices including grease removal devices.

(iii) Requirements for proper operation and maintenance of all pretreatment devices.

(iv) Grease removal device maintenance frequency and schedule.

(v) Requirements for implementing, maintaining, and reporting on the status of Best Management Practices.

(vi) Requirements for maintaining and submitting logs and records, including waste hauling records and manifests and to have such records available for inspection.

(vii) Requirements to self-monitor.

(viii) Additional requirements as may be determined to be reasonably appropriate by the Director or as specified by other Regulatory Agencies to protect the collection system.

(ix) Other terms and conditions, which may be reasonably applicable to ensure compliance with the FOG Control Program.

(h) FOG Wastewater Discharge Permit Modifications. FOG Wastewater Discharge Permit modifications are subject to Section 6-335 (h) of this Article consistent with the terms, requirements and policies in this section.

(i) Best Management Practices. All Food Service Establishments shall implement Best Management Practices (BMPs) in an effort to minimize the discharge of FOG to the sewer system, including, but not limited to, the following, as applicable:

(1) Installation of Drain Screens. Drain screens shall be installed on all drainage pipes in food preparation areas.

(2) Segregation and Collection of Waste Cooking Oil. All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to insure that they do not leak. Licensed waste haulers or an approved recycling facility must be used to dispose of waste cooking oil.

(3) Disposal of Food Waste. All food waste should be disposed of directly into the trash or garbage and not into sinks and shall be disposed of in a manner that will ensure against leakage in the trash container or anywhere else.

(4) Employee Training. Employees of the Food Service Establishment shall be trained by ownership/management periodically as specified in the FOG wastewater discharge permit on the following subjects:

(i) Dry-wiping pots, pans, dishware and work areas before washing to remove grease.

(ii) Properly disposing food waste and solids in plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.

(iii) The location and use of absorption products to clean under fryer baskets and other locations where grease may be spilled or dripped.

(iv) Properly disposing grease or oils from cooking equipment into a proper grease receptacle without spilling.

Training shall be documented along with employee signatures. Training records shall be available for review at any time by authorized representatives of the city.

(5) Maintenance of Mechanical Exhaust Ventilation Filters. Filters shall be cleaned as frequently as necessary to be maintained in good operating condition. The wastewater generated from cleaning exhaust filters shall be disposed of properly.

(6) Kitchen Signage. Best management and waste minimization practices shall be posted conspicuously in the food preparation and dishwashing areas at all times.

(j) FOG Pretreatment Required for New and Existing Food Service Establishments. Food Service Establishments are required to install, operate and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this section, subject only to the variance and waiver provisions and other exceptions of this section. The grease interceptor shall be adequate to separate and remove FOG contained in wastewater discharges from Food Service Establishments prior to discharge to the sewer system. Fixtures, equipment, and drain lines located in the food preparation and cleanup areas of Food Service Establishments that are sources of FOG discharges shall be connected to the grease interceptor.

(1) New Food Service Establishments shall include and install grease interceptors prior to commencing discharges of wastewater to the sewer system.

(2) Existing Food Service Establishments shall install grease interceptors in any of the following circumstances:

(i) When the FSE changes ownership;

(ii) When any change in operation results in or has the potential to result in the increase of the amount of FOG generated and/or discharged by FSE in an amount that alone or collectively causes or creates a potential SSO to occur;

(iii) When it is determined by the Director that the FSE caused or contributed to grease-related blockages in the sewer system, has sewer laterals connected to hot spots, or has been determined to contribute significant FOG to the sewer system, based on inspection and sampling;

(iv) During a remodel;

(v) Any other time the Director reasonably determines that installation of a grease interceptor is necessary to avoid an adverse impact to the sewer system.

(3) Any Existing FSE that receives a notice from the Director to install a grease interceptor must install the interceptor within 180 days unless otherwise required by the Director.

(k) Variance of Grease Interceptor Requirement. Notwithstanding any other provision in this section, an Existing FSE may obtain a variance, at the Director's discretion, from the grease interceptor requirement to allow alternative pretreatment technology that is equally effective in controlling the FOG discharge in lieu of a grease interceptor. One such type of alternative

pretreatment technology is a grease trap. Consideration of granting the variance will be based on the following:

(1) There is insufficient space for installation and/or maintenance of a grease interceptor.

(2) There is inadequate slope for gravity flow between kitchen plumbing fixtures and the grease interceptor and/or between the grease interceptor and the private collection line or the public sewer.

(3) The FSE can demonstrate, to the satisfaction of the Director, that the alternative pretreatment technology is equivalent or better than a grease interceptor in controlling FOG. In addition, the FSE must be able to demonstrate, after installation of the proposed alternative pretreatment technology, its continued ability to effectively control FOG discharge.

The variance may be rescinded if subsequent monitoring shows accumulation of FOG in the sewer lateral or the collection system downstream of the Food Service Establishment's connection or if the Food Service Establishment caused or contributed to a Sanitary Sewer Overflow. A grease interceptor must be installed within 180 days of the rescission of a variance. Denial or revocation of a variance may be appealed pursuant to Chapter 1, Article 4.

(l) Waiver from Grease Removal Device Requirement. When granting a variance is not possible because the installation of a grease interceptor is not feasible and no equivalent alternative pretreatment can be implemented, an FSE may apply for and be granted a conditional waiver with the imposition of line maintenance cost recovery charges as established in the Master Fee Schedule. An FSE requesting a waiver must demonstrate that it has negligible FOG discharge and insignificant impact to the sewer system. Although a waiver may be granted, the Director may impose additional requirements including, but not limited to, the requirement to provide space and plumbing segregation for future installation of a grease interceptor. Denial or revocation of a waiver may be appealed pursuant to Chapter 1, Article 4.

(m) Cost Recovery. All costs incurred for cleaning the sewer line to remove FOG buildup caused or contributed to by an FSE shall be reimbursed to the city by the FSE. Factors for determining responsible parties for cost recovery charges include the FSEs that are discharging into the affected sewer line, the presence of grease removal devices or alternative pretreatment in the FSE, proper maintenance of grease removal devices by the FSE, implementation of BMPs, and any waivers or variances granted.

(n) Drawing Submittal Requirements. At the time of obtaining a FOG Wastewater Discharge Permit or upon request by the Director:

(1) FSEs may be required to submit copies of design and as-built facility site plans, mechanical and plumbing plans and details to show all sewer locations and connections. The documents shall be in a form acceptable to the Director for review of existing grease control devices, monitoring facilities, metering facilities and operating procedures. The review of plans and procedures shall in no way relieve the FSE of the responsibility to modify the facilities or procedures in the future, as necessary to produce an acceptable discharge and to meet the requirements of this FOG Control Program.

(2) FSEs may be required to submit a schematic drawing of the grease removal device or alternative pretreatment, piping and instrumentation diagram, and wastewater characterization report.

(3) At the Director's discretion, all drawings and/or reports may be required to be prepared by a California Registered Civil, Chemical, or Electrical Engineer.

(o) Grease Interceptor Requirements. Any FSE that is required to provide FOG pretreatment shall install operate and maintain an approved type and properly sized grease interceptor, or other grease removal device authorized under an approved variance, necessary to maintain compliance with the purpose of the FOG Control Program.

(1) Approved grease interceptor sizing and installation shall conform to the latest approved edition of the California Uniform Plumbing Code.

(2) Grease interceptors shall be constructed in accordance with the design approved by the Director and shall have a minimum of two compartments with fittings designed for grease retention.

(3) Grease interceptors shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning and removal of accumulated grease.

(i) Grease interceptors may not be installed in any part of the building where food is handled.

(ii) If a location is not available on the property of the FSE, a street encroachment permit may be requested to authorize installation of a grease interceptor in a public access area such as the street or sidewalk area.

(iii) There will be no obstruction from landscaping or parked vehicles, with the exception of parked vehicles in a public access area as granted through a street encroachment permit.

(4) Access manholes, with a minimum diameter of twenty-four (24) inches, shall be provided over each grease interceptor chamber and sanitary tee. The manholes shall also have readily removable covers to facilitate inspection, grease removal and wastewater sampling activities.

(5) The original design of the grease interceptor shall not be modified unless the manufacturer recommends the modification in writing.

(i) Any modification will be at the Food Service Establishment's expense.

(ii) The city is not liable for any non-compliance as a result of any modification.

(p) Grease Interceptor Maintenance Requirements. Grease interceptors shall be maintained in efficient operating condition by periodic complete removal of all contents of the devices including wastewater, accumulated FOG, floating materials, sludge and solids.

(1) No FOG that has accumulated in a grease interceptor shall be allowed to pass into any sewer lateral, sewer system, storm drain, or public right of way during maintenance activities.

(2) Food Service Establishments that are located in an area that is considered to be a hot spot will be required to submit data and information necessary to establish a maintenance frequency for their grease interceptor.

(3) The maintenance frequency for all Food Service Establishments with a grease interceptor shall be determined in one of the following methods:

(i) Grease interceptors shall be fully pumped out and cleaned at a frequency such that the combined FOG and solids accumulation does not exceed the 25% Rule. Regardless, the interval between cleaning shall not exceed six (6) months.

(ii) The owner/operator of a Food Service Establishment may submit a request to the Director asking for a change in the maintenance frequency at any time. The Food Service Establishment has the burden of responsibility to prove that the change reflects actual operating conditions based on the average FOG accumulation over time, and meets the requirements of the 25% Rule. The Food Service Establishment must also show that it is in full compliance with the conditions of its FOG Wastewater Discharge Permit and this section. Upon approval by the Director, the FOG Wastewater Discharge Permit will be modified accordingly to reflect the change in maintenance frequency.

(iii) If the grease interceptor contains, at any time, FOG and solids accumulation that exceeds the 25% Rule, the Food Service Establishment shall be required to have the grease interceptor serviced immediately so that all FOG, sludge and other materials are completely removed from the interceptor. If necessary, the Food Service Establishment may be required to increase the maintenance frequency of the grease interceptor from its current frequency.

(4) Wastewater, accumulated FOG, floating materials, sludge, solids, and other materials removed from the grease interceptor shall be disposed offsite properly by licensed waste haulers in accordance with federal, state, and/or local regulations.

(q) Grease Trap Requirements. Grease traps may be authorized by the Director through a variance under Subsection (k) with the following conditions:

(1) Grease traps shall be installed in waste lines leading from drains, sinks and other fixtures or equipment where grease may be introduced into the sewer system in quantities that can cause blockage.

(2) Grease traps shall be properly sized and installed in accordance with the latest approved edition of the California Uniform Plumbing Code.

(3) The original design of the grease trap shall not be modified unless the manufacturer recommends the modification in writing.

(i) Any modification will be at the FSE's expense.

(ii) The city is not liable for any non-compliance as a result of any modification.

(4) Grease traps shall be maintained in efficient operating conditions by removing accumulated grease. The interval between cleaning will be established by the Director, but shall not exceed two (2) weeks. Baffles shall be removed and cleaned during the maintenance process, when applicable.

(5) Grease traps shall be kept free of all food residues and any FOG waste removed during the cleaning and scraping process.

(6) Grease traps shall be inspected periodically to check for leaking seams and pipes and for effective operation of the baffles and flow regulating devices.

(7) Grease traps and their baffles shall be maintained free of all caked on FOG and waste.

(8) Dishwashers and food waste disposal units shall not be connected to or discharged into any grease trap.

(9) The temperature of any water entering a grease trap shall not exceed 140° F (60° C).

(r) Monitoring Requirements.

(1) The Director may require, through the FOG Wastewater Discharge Permit or at any time, an FSE to construct and maintain in proper operating condition, at the FSE's sole expense, flow monitoring, constituent monitoring, and/or sampling devices.

(2) The location of monitoring or metering devices shall be subject to approval by the Director.

(3) At all times, FSEs shall provide immediate, clear, safe and uninterrupted access to authorized representatives of the city to all monitoring and metering devices.

(4) FSEs may be required by the Director to submit waste analysis plans, contingency plans, and meet other necessary requirements to ensure proper operation and maintenance of any grease removal device and compliance with this section.

(s) Record Keeping Requirements. FSEs shall keep all records, including manifests, receipts and invoices of all cleaning and maintenance of grease removal devices. All records shall be made available to authorized representatives of the city upon request. In addition to the above mentioned documents, records include logbooks of maintenance activity, BMPs and employee training, sampling data, spill reports, line cleaning reports, and any other information deemed appropriate by the Director to ensure compliance with the FOG Control Program and this section.

SEC. 6-322. RIGHTS OF INSPECTION AND SAMPLING.

(a) **Rights of Entry.** The Control Authority shall have the right to enter premises of any user to determine whether the user is complying with all requirements of this ordinance and any

wastewater discharge permit or order issued hereunder. Owners or occupants of premises where wastewater is created or discharged shall allow the EPA, the State, the city or the city's representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling or record examination, or in performance of any of their duties.

(b) **Rights to Monitor.** The Control Authority shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspections, compliance monitoring and/or metering operations. The Control Authority shall also have the right to conduct unbeknown surveillance monitoring of the user's wastewater discharge offsite of the facility premises, taking into consideration all potential contributors to the same wastestream, and enforcing all applicable provisions of this article as necessary. Nothing provided herein is intended to limit the rights of the city in any way in regards to its use and control of the city's facilities.

(c) **Access to Facilities.** Where a user has security measures in force which would require proper identification and clearance before entry onto the premises, the user shall make necessary arrangements with his security guards so that, upon presentation of suitable identification, personnel from the Control Authority will be permitted to enter without delay for purposes of performing their specific responsibilities.

(d) **Obstructions to Access.** Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled or monitored shall be promptly removed by the user at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be born by the user.

(e) **Access Delayed or Refused.** Unreasonable delays in allowing the Control Authority access to a user's premises or refusing access to the Control Authority to a user's premises shall be a violation of this ordinance.

(f) **Administrative Inspection Warrant.** If an owner, occupant or agent refuses permission to enter, or inspect, the Control Authority may seek an Administrative Inspection Warrant pursuant to the procedures provided in Code of Civil Procedure Sections 1822.50 through 1822.59 as amended, to perform the duties imposed upon the Control Authority pursuant to this article. (Orig. Ord. 4279; Am. Ord. 98-91, § 7, 1-1-99; Am. Ord. 2002-73, § 11, eff. 1-23-02).

SEC. 6-323. ENFORCEMENT.

(a) **Control Authority.** The Control Authority shall be responsible for the enforcement of this article. The Control Authority is responsible for preparing, adopting, administering and enforcing the Enforcement Response Plan.

(b) **Violations.** A person is in violation of this article whenever the person violates or causes a violation of any of the terms of this article, any condition or provision of a permit issued pursuant to this article, any rule adopted by the city to administer or enforce this article, and any notice, order, demand issued by Control Authority pursuant to an Enforcement Response Plan. Any violation of this article shall be a public nuisance.

(c) Available Remedies for Violations. Notwithstanding any other remedies available in the code or in state or federal law, the Control Authority may do any of the following to address a violation of this article:

(1) Take action pursuant to an Enforcement Response Plan.

(2) Issue a notice of compliance.

(3) Issue an administration citation to the user and/or the person or entity that caused the violation.

(4) Modify or revoke the user's permit.

(5) Cease city utility service pursuant to a show cause hearing.

(6) Request City Attorney's Office to pursue civil and/or criminal action pursuant to local, state or federal law, including, but not limited to California Government Code Section 54740.

(d) Enforcement Response Plan. The Control Authority, in his or her discretion, may take action pursuant to an Enforcement Response Plan as appropriate to the situation. Any action taken pursuant to an Enforcement Response Plan shall be pursuant to the provisions of the Enforcement Response Plan, except that to the extent the Control Authority issues an administrative citation or issues any order that requires the user to cease discharging all waste to the City's sewer system, the user may appeal the citation or the order pursuant to the procedures in Chapter 1, Article 4. Filing an appeal under Chapter 1, Article 4 does not stay enforcement of the citation or order pursuant to Subsection 1-408(f). If a user has an appeal right pursuant to this subsection, the Control Authority shall notice the user of his/her/its appeal right at the time the administrative citation and/or order ceasing use is issued.

(e) Administrative Citation. The Control Authority may issue an administrative citation with a fine of up to twenty-five thousand dollars (\$25,000) per violation per day or as provided in the Master Fee Schedule. The Master Fee Schedule may provide for a scheme of penalties for types and/or reoccurrence of violations. Administrative citations shall be issued pursuant to Section 1-308. In addition to any other means of collection, the penalty may be collected through the user's city issued utility bill pursuant to Article 1 of Chapter 6 (including discontinuance of service upon non-payment).

(f) Modify or Revoke Permit. The Control Authority may modify or revoke a user's discharge permit pursuant to Section 6-335.

(g) Show Cause Hearing. Terminating Utility Service. If a violation is not corrected by timely compliance of an order, notice or demand pursuant to Enforcement Response Plan or pursuant to Subsection (c)(2), above, the Control Authority may order any user to show cause before the Director why the user's water and sewer services should not be terminated, in accordance with the following:

(1) Notice of Show Cause Hearing. A notice shall be served on the user, specifying the time and place of a hearing to be held by the Director regarding the violation, and directing the offending party to show cause before the Director why an order should not be made directing the termination of water and/or sewer service. The

notice of the hearing shall be served personally or by certified mail, return receipt requested, at least ten days before the hearing. Service may be made on an authorized representative of the user, or the occupant(s) and/or owner(s) of record of the property.

(2) Hearing. The Director, or his/her designee, shall conduct the hearing and take the evidence of the user and city staff and shall provide the user a reasonable period of time to present his/her/its position.

(3) Director Action. After the hearing, the Director may do any of the following based upon substantial evidence that the action is necessary to protect the public health, safety and welfare and/or the city's sewer system:

(i) An order to the user and city staff, directing that the water service be discontinued and/or the sewer connection severed;

(ii) An order to the user and city staff, that following a specified time period, the water service be discontinued and/or the sewer connection severed unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate to ensure compliance with this article.

(iii) Any other action within the authority of the Control Authority.

(4) Subject to Appeal. Any order under subparts (3)(ii) or (3)(iii), above, is subject to appeal pursuant to Article 4 of Chapter 1. Users shall be notified of their appeal at the time the Director issues the order.

(5) Failure to Appear. The Director may direct staff to immediately disconnect the water and/or sewer service if the user fails to appear for the hearing or otherwise respond to the notice of the show cause hearing and if the Director finds it is necessary to protect the public health, safety and welfare and/or the city's sewer system.

(6) Process for Disconnection from Water or Sewer. The procedures for water service disconnection shall be in accordance with the provisions of Chapter 6, Article 1, of this Code, and severance of sewer connection shall be in accordance with guidelines established by the Director.

(7) Reinstate Utility Service. The Control Authority shall reinstate water service and approve reconnection to the regional sewer system upon proof of the elimination of the non-complying discharge. Reinstatement of water service shall be in accordance with Chapter 6, Article 1, of this Code, and reconnection to the regional sewer system shall be in accordance with guidelines established by the Director.

(h) Fraud or False Statements. Pursuant to the provisions of 18 U.S.C. §§1001, relating to fraud and false statements, and the provisions of Section 309(c)(2) of the Act governing false statements, representations or certification in reports required under the Act, any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained for this article or a Wastewater Discharge Permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article, shall, upon conviction, be punished by a fine of not

more than ten thousand dollars (\$10,000) or by imprisonment for not more than six (6) months, or by both.

(i) **Cost Reimbursement.** All costs incurred by the city by any means, whether direct or indirect, as a result of a user failing to comply with any provision of this article shall be reimbursed to the city by that user. Costs shall be collected pursuant to Article 5 of Chapter 1, except that in addition to the means of collection provided in the Cost and Penalty Recovery Ordinance, the city may also seek collection through the user's city issued utility bill pursuant to Article 1 of Chapter 6 (including discontinuance of service upon non-payment).

(j) **Remedies Nonexclusive.** The remedies provided for in this section are not exclusive or mutually exclusive. The Control Authority may take any, all, or any combination of the remedies provided in this section, this code and/or State or Federal law against a noncompliant user. While enforcement will generally be in accordance with the Enforcement Response Plan, the Control Authority, in his or her discretion, is not limited by the Enforcement Response Plan from taking other actions to enforce the provisions of this article.

(k) **Member Agency Responsibility.** Pursuant to agreements with the city, Clovis and other member agencies of the city's POTW shall incorporate into their ordinances, regulations or both, and shall perform, the same enforcement duties defined in this article, and shall enforce the same prohibitions on discharge, reporting requirements, and wastewater discharge permit requirements as are contained in this article. (Orig. Ord. 4279; Am. Ord. 76-33, § 2, eff. 5-9-76; Am. Ord. 83-41, § 4, eff. 7-1-83; Am. Ord. 89-10, § 2, eff. 2-17-89; Am. Ord. 92-5, §§ 1--10, 2-21-92; Am. Ord. 98-91, §§ 8--14, 1-1-99; Am. Ord. 2002-73, § 12, eff. 1-23-02, Am. Ord. 2008-33, eff. 6-22-08).

SEC. 6-324. EMERGENCY SUSPENSIONS.

The Control Authority may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Control Authority may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) **Immediate Cessation upon Notification.** Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution to the sewer system. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Control Authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Control Authority may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Control Authority that the period of endangerment has passed, unless the termination proceedings are initiated against the user.

(b) **Statement of Cause and Preventative Measures.** A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Control Authority prior to the date of any show cause or termination hearing.

(c) **Prior Hearing Not Required.** Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Added Ord. 2002-73, § 13, eff. 1-23-02).

SEC. 6-325. TERMINATION OF DISCHARGE.

In addition to the provisions in Section 6-335(k), any user who violates the following conditions is subject to discharge termination:

- (a) Violation of Wastewater Discharge Permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- (e) Failure to report an accidental or slug discharge as required in Section 6-336(k) of this article; or
- (f) Violation of any pretreatment standard or requirement, or any terms of the Wastewater Discharge Permit, or this ordinance. (Added Ord. 2002-73, § 15, eff. 1-23-02).

SEC. 6-326. PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.

The Control Authority shall publish at least annually, in a newspaper of general circulation in the Fresno area, a list of all users which, at any time during the previous twelve months were in significant noncompliance with applicable pretreatment requirements, as defined in 40 C.F.R. § 403.8(f)(2)(vii). The notification shall include the parameter violated, the enforcement actions taken by the Control Authority, and the corrective actions taken by the user(s). (Added Ord. 2002-73, § 15, eff. 1-23-02).

SEC. 6-327. DISCHARGE PROHIBITIONS.

(a) **General Prohibitions.** No user shall introduce or cause to be introduced, directly or indirectly, to the POTW any pollutant or wastewater which will cause Pass Through or Interference. These general prohibitions apply to all users of the POTW whether or not the users are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.

(b) **Specific Prohibitions.** No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or

explosion or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, wastestreams with a closed- cup flashpoint of less than 140° F or 60° C.

(2) Any wastewater with a pH less than 6 or greater than 12.4, or having any corrosive or detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel, or may cause damage to structures, equipment or other physical facilities of the regional sewer system.

(3) Solid or viscous substances which may cause obstruction to the flow in the POTW resulting in Interference.

(4) Any pollutants, including oxygen-demanding pollutants (e.g., BOD) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference to the POTW.

(5) Any wastewater containing heat in amounts which will inhibit biological activity in the POTW resulting Interference, but in no case heat in such quantities that will cause the temperature at the treatment plant to exceed 104°F (40°C) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Any trucked or hauled pollutants except at discharge points designated by the POTW.

(9) Any other industrial wastes, unless such wastes have first been passed through screens having openings not exceeding one-half inch in dimension; provided, however, that the Control Authority, by written permit, may authorize the discharge into the regional sewer system of such wastes if they are first passed through screens having larger openings, if the Control Authority is satisfied that such larger openings will provide screening efficiency and effectiveness equal to or better than that provided by the smaller openings.

(10) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

(11) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(12) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and

reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the SolidWaste Disposal Act, the Clean Air Act or the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

(13) Any substance which will cause the POTW to violate the Waste Discharge Requirements mandated by the state.

(14) Any wastewater with objectionable color not removed in the treatment process.

(15) Any wastewater containing radioactive material in sufficient quantity to interfere with any treatment process or constitute a hazard to humans or animals.

(16) Any wastewater containing substances that may precipitate, solidify or become viscous at temperatures between 40°F (4.4°C) and 100°F (37.7°C)

(17) Any recognizable portions of the human anatomy.

(18) Any storm water, surface water, groundwater, roof runoff, or subsurface drainage which is acceptable to be discharged to other facilities where such facilities are available.

(19) Any cooling water which is sufficiently clean to be discharged to some other suitable facility, such as a storm drain, where such facilities are available.

(20) Any pool water, spa water, or pond water which is acceptable to be discharged to other facilities where such facilities are available.

(21) Any malodorous substance such as hydrogen sulfide or any other substance which will cause offensive odors in the sewer system or at the treatment plant.

(22) Any substance which is not amenable to treatment by the processes employed at the treatment plant.

(23) Any substance which will cause corrosive structural damage to the POTW.

(24) Any slug loading.

(25) Any wastewater that comes into contact with any process utilizing tetrachloroethene.

(26) Wastewater causing two successive readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five per cent (5%), or any single reading over ten per cent (10%) of the Lower Explosive Limit of the meter.

(c) Compliance by existing sources with the Federal Categorical Pretreatment Standards shall be within three (3) years of the date the standard is promulgated unless a shorter

compliance time is specified in the appropriate subpart of 40 C.F.R., Chapter 1, Subchapter N. Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory, shall immediately supersede the limitations imposed under this article. The Director shall notify all affected users of the applicable reporting requirements under 40 C.F.R. § 403.12.

(d) **Local Limits.** The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

Parameter	Limit, Daily Average	Unit
Arsenic	0.32	mg/L
Cadmium	0.12	mg/L
Chromium, Total	6.7	mg/L
Copper	2.5	mg/L
Cyanide, Total	0.77	mg/L
Lead	1.2	mg/L
Mercury	0.05	mg/L
Nickel	1.3	mg/L
Silver	1.1	mg/L
Zinc	2.1	mg/L
Phenolic Compounds	300	mg/L
Trichloroethene	0.12	mg/L
Tetrachloroethene	0.77	mg/L
BETX*	20	mg/L
Oil and Grease	700	mg/L

*Benzene, ethylbenzene, toluene, and xylene as a single constituent or as a cumulative total.

(e) **Application of Limits.** The limits in Section 6-327(d) apply at the point where the wastewater is discharged to the POTW (also called "end of pipe"). All concentrations for metallic substances are for "total" metals unless indicated otherwise.

(f) **Equivalent Mass Limits.** The Control Authority may impose mass limitations in addition to, or in place of, the concentration-based limitations listed in Section 6-327(d).

(g) **Contributions Causing Pass Through or Interference.** When the Control Authority determines that a user is contributing to the POTW any of the specific prohibitions listed in

Section 6-327(b) in such amounts as to cause pass through or interference, the Control Authority shall:

- (1) Advise the user(s) of the impact of the contribution on the POTW, and
- (2) Develop effluent limitation(s) for such user(s) to correct the interference with the POTW.

(h) **Best Management Practices.** The Control Authority may develop Best Management Practices (BMPs) to implement the general prohibitions, specific prohibitions, and local limits listed in this section. (Orig. Ord. 3642 and 4279; Am. Ord. 6940, 1967; Am. Ord. 71-105, 1972; Am. Ord. 76-33, § 3, eff. 5-9-76; Am. Ord. 83-41, § 5, eff. 7-1-83; Am. Ord. 91-14, §§ 6, 7, eff. 3-15-91; Am. Ord. 92-5, §§ 11, 12, eff. 2-21-92; Am. Ord. 98-91, §§ 15--17, 1-1-99; Am. Ord. 2002-73, § 16, eff. 1-23-02; Am. Ord. 2008-33, eff. 6-22-08).

SEC. 6-328. STATE REQUIREMENTS AND LIMITATIONS.

State requirements and limitations on discharge shall apply in any case where they are more stringent than federal requirements and limitations or those in this article. (Added Ord. 83-41, § 6, eff. 7-1-83; Ord. No. 91-14, §§ 8--11, eff. 3-15-91; Am. Ord. 98-91, §§ 18, 19, 1-1-99; Am. Ord. 2002-73, § 17, eff. 1-23-02).

SEC. 6-329. RIGHT OF REVISION.

The city reserves the right to establish by ordinance or in wastewater discharge permits, more stringent standards, limitations, or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 6-301. (Added Ord. 2002-73, § 18, eff. 1-23-02).

SEC. 6-330. DILUTION.

No user shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Control Authority may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Added Ord. 2002-73, § 19, eff. 1-23-02).

SEC. 6-331. BYPASS.

(a) **Definition.** For the purposes of this section,

(1) "Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected

to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(3) "Monitoring and/or sampling equipment" shall not be considered part of a user's treatment facility.

(b) Prohibition of Bypass.

(1) Bypass is prohibited, and the Control Authority may take enforcement action against an industrial user for a bypass, unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(iii) The industrial user submitted notices as required under Subsection (d) of this section.

(2) The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in Subsection (b)(1) of this section.

(c) Bypass Not Violating Applicable Pretreatment Standards or Requirements. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections (b) and (d) of this section.

(d) Notice.

(1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority at least ten (10) days before the date of the bypass, if possible.

(2) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the Control Authority within twenty-four (24) hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours. (Added Ord. 2002-73, § 20, eff. 1-23-02).

SEC. 6-332. VIOLATIONS OF DISCHARGE PROHIBITIONS.

Any user who intentionally or negligently violates all or part of Sections 6-327, 6-330, or 6-331 shall be in violation of this article and subject to the provisions of Section 6-323. (Added Ord. 2002-73, § 21, eff. 1-23-02).

SEC. 6-333. PENALTY ASSESSMENT.

If a user violates any of the provisions of Sections 6-327, 6-330, or 6-331 the penalty designated in the Master Fee Resolution shall be added to the user's sewer service charge. (Added Ord. 2002-73, § 22, eff. 1-23-02).

SEC. 6-334. SEWER CONNECTIONS; PREMISES OUTSIDE CITY.

(a) Persons owning or operating premises outside the city limits of the city may be granted permission to connect their property with the city sewer system.

(b) Permission to connect to the sewer system will be granted by the Director if all provisions of this article are complied with.

(c) Every permit granted for service outside the city limits of the city shall be subject to the following conditions:

(1) That payment of the applicable sewer connection charge, established by this article, shall be made before connection of the premises to the sewer.

(2) That all regulations of the city will be followed with respect to use of the city sewer system.

(3) That drainage from roofs, courts or other areas shall not be allowed to pass into the city sewer system. (Orig. Ord. 2819; Am. Ord. 75-69, § 9, eff. 7-27-75).

SEC. 6-335. WASTEWATER DISCHARGE PERMITS.

(a) **Wastewater Discharge Permit Required.** At the discretion of the Control Authority, all users proposing to connect to or contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW.

(1) All existing users connected to or contributing to the POTW on the effective date of this section must obtain a Wastewater Discharge Permit within ninety (90) days of such date.

(2) Any user proposing a new connection to the POTW shall obtain a Wastewater Discharge Permit prior to beginning discharge.

(3) Liquid Waste Haulers shall obtain a Wastewater Discharge Permit prior to transporting liquid waste to a discharge point designated by the Control Authority.

(b) **Authorization to Discharge.** The Wastewater Discharge Permit expressly authorizes a user to discharge wastewater to the POTW and is issued for that purpose. If, for any reason, a Wastewater Discharge Permit is revoked, suspended, or otherwise held invalid, authorization to discharge is terminated.

(c) **Wastewater Discharge Permit Enforceability.** Wastewater Discharge Permits shall be expressly subject to all provisions of this Code and all other applicable regulations, user charges and fees established by the city. Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this ordinance. Obtaining a Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or with any other requirements of federal, state, and local law.

(d) **Authority to Deny New or Increased Contributions.** The Control Authority shall have the authority to deny or condition new or increased contributions of pollutants or changes in the nature of pollutants to the POTW by permitted and non-permitted users where such contributions do not meet applicable pretreatment standards or requirements or where such contributions would cause the POTW to violate its Waste Discharge Requirements.

(e) **Wastewater Discharge Permit Application.** All users may be required to file with the Control Authority a Wastewater Discharge Permit application in a form prescribed by the Control Authority prior to obtaining a Wastewater Discharge Permit.

(1) Users proposing a new connection to the regional sewer system shall submit a completed Wastewater Discharge Permit application at least ninety (90) days prior to connecting to or contributing to the POTW.

(2) Existing users shall apply for a permit reissuance a minimum of ninety (90) days prior to the expiration of their existing Wastewater Discharge Permit.

(3) New or existing users failing to submit a completed discharge permit application will be assessed a penalty charge as designated in the Master Fee Resolution.

(f) **Wastewater Discharge Permit Application Contents.** In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address, and location (if different from the address);

(2) Standard Industrial Classification (SIC) number;

(3) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(4) Number and type of employees and hours of operation of plant and proposed or actual hours of operation;

(5) Each product produced by type, amount, process or processes, and rate of production;

(6) Average daily wastewater flow rates, including daily, monthly and seasonal variations;

(7) Type and amount of raw materials processed (average and maximum per day);

(8) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by their size, location and elevation;

(9) Time and duration of discharge;

(10) Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 6-327(d) of this article, as determined by a state-certified laboratory. Sampling and analyses shall be performed in accordance with the techniques described in Section 6-336(l) and Section 6-336(m);

(11) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards or city effluent limitations;

(12) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards or city effluent limitations, the schedule and conditions of scheduling shall be in accordance with those described in Section 6-336(g);

(13) Any other information as may be deemed by the Control Authority to be necessary to evaluate the permit application. The Control Authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Control Authority shall issue a Wastewater Discharge Permit, subject to the terms and conditions provided herein.

(g) **Permit Conditions.** Wastewater Discharge Permits shall include such conditions as are deemed reasonably necessary by the Control Authority to prevent pass through or interference, protect the quality of the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) Wastewater Discharge Permits must contain:

(i) A statement that indicates wastewater discharge permit duration in accordance with Section 6-335(i) of this Code;

(ii) A statement that the wastewater discharge permit is nontransferable in accordance with Section 6-335(j) of this Code;

(iii) Effluent limits based on applicable pretreatment standards;

(iv) Self monitoring, sampling, reporting, notification, and record-keeping requirements, when applicable. These requirements shall include an

identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and

(v) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(2) Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:

(i) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the regional sewer system;

(ii) Limits on the average and maximum wastewater constituents and characteristics;

(iii) Limits on the average and minimum rate and time of discharge or requirements for flow regulations and equalization;

(iv) Requirements for installation and maintenance of inspection and sampling facilities;

(v) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(vi) Compliance schedules;

(vii) Requirements for submission of technical reports (See Section 6-336);

(viii) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Control Authority, and affording the Control Authority access thereto;

(ix) Requirements for notifying the Control Authority prior to and obtaining approval of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the regional sewer system;

(x) Requirements for notifying the Control Authority of slug discharges;

(xi) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this article.

(3) Wastewater Discharge Permits for septage haulers may contain the following additional conditions:

(i) Restrictions for allowing only the discharge of domestic or residential waste from septic tanks or chemical toilets, or any other liquid waste approved by the Control Authority;

(ii) The specific location for the discharge of the approved wastes;

(iii) Requirements to prepare a manifest before transporting the waste off site, containing at a minimum:

(A) The transporter's name, address and Wastewater Discharge Permit number;

(B) The generator's name, address, telephone number and business type;

(C) The description and volume of the waste hauled;

(D) The name and location of the disposal site;

(E) The signature of the generator and the transporter;

(iv) Requirements to submit the manifest to the Control Authority prior to any discharge at the disposal site;

(v) Requirements to pay all City of Fresno sewer utility bills in full; and

(vi) Any other general and/or special operating conditions.

(h) **Permit Modifications.** The Control Authority may modify a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the POTW or city personnel;

(5) Violation of any terms or conditions of the Wastewater Discharge Permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting; or

(7) To correct typographical or other errors in the Wastewater Discharge Permit.

(i) **Duration of Permit.** Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five years at the discretion of the Control Authority. Each Wastewater Discharge Permit will indicate a specific date upon which it will expire.

(j) **Transfer of Permit.** Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, a new or changed operation, or remodel of an existing facility which is retained by the current owner.

(k) **Revocation of Permit.** The Control Authority may revoke a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

(1) Failure of a user to factually report the sewage constituents and characteristics of his discharge;

(2) Failure of a user to report and get approval of significant changes in operations, site plans, floor plans, mechanical and plumbing plans or sewage constituents and characteristics prior to the commencement of any change;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusal of reasonable access to a user's premises and/or records;

(7) Failure to meet effluent limitation;

(8) Failure to pay fines or penalties;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater discharge permit application;

(12) Failure of a user to report an accidental or slug discharge as required in Section 6-336(k) of this article.

(13) Violation of any pretreatment standard or requirement, or any terms of the Wastewater Discharge Permit, or this ordinance.

(l) **Discharge Reports.** Reporting requirements shall be in accordance with Section 6-336. (Added Ord. 76-33, § 4, eff. 5-9-76; Am. Ord. 80-115, § 106, eff. 8-8-80; Am. Ord. 83-41, § 7, eff. 7-1-83; Am. Ord. 87-29, § 3, eff. 3-17-87; Am. Ord. 89-10; § 3, eff. 2-17-89; Am. Ord. 91-14, §§ 12--15, eff. 3-15-91; Am. Ord. 98-91, §§ 20, 21, 1-1-99; Am. Ord. 2002-73, § 23, eff. 1-23-02).

SEC. 6-336. REPORTING REQUIREMENTS FOR INDUSTRIAL USERS.

(a) **Baseline Monitoring Report.** Within one hundred eighty (180) days after the promulgation of a categorical pretreatment standard under Section 307(b) or (c) of the Act (33 U.S.C. §1317(b) or (c)), or one hundred eighty (180) days after the effective date of 40 C.F.R., Part 403, existing industrial users subject to such categorical pretreatment standards and currently discharging into or scheduled to discharge into a POTW shall be required to submit to the Control Authority a report which contains the information listed in Subdivisions (1) through (8) of this subsection. At least ninety (90) days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Control Authority a report which contains the information listed in Subdivisions (1) through (5) of this subsection. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in Subdivisions (4) and (5):

(1) The name and address of the industrial user including the name of the operator(s) and owner(s).

(2) A list of any environmental control permits held by or for the facility.

(3) The nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user.

(4) The measured average daily and maximum daily flow in gallons per day or, where approved by the Control Authority due to cost or feasibility considerations, a verifiable estimate of average daily and maximum daily flow to the POTW from each of the following:

(i) Regulated process streams; and

(ii) Other streams as necessary to allow use of the combined wastestream formula of 40 C.F.R. §403.6.

(5) A report signed and certified by a duly authorized representative of the industrial user of the nature and concentration of pollutants in the discharge from each regulated process, and identification of the applicable pretreatment standards. In cases where the standard requires compliance with a Best Management Practice or pollution prevention alternative, the user shall submit documentation as required by the Control Authority or the applicable standards to determine compliance with the standard.

(6) A statement, signed by an authorized representative of the industrial user, and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.

(7) If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standard, the shortest schedule by which the industrial user will

provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards.

(8) Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, an equivalent concentration limit will be derived using the method outlined in 40 C.F.R. §403.6.

(b) **Ninety-day Compliance Report.** Within ninety (90) days following the date of final compliance with applicable pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the Control Authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.

(c) **Periodic Compliance Report.** Any industrial user subject to categorical pretreatment standards (except a non-significant categorical user), after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Control Authority during the months of June and December, unless required more frequently in the pretreatment standard or the city's Wastewater Discharge Permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Section 6-336(a)(4), except that the Control Authority may require more detailed reporting of flows. In cases where the pretreatment standard requires compliance with a Best Management Practice (or pollution prevention alternative), the user shall submit documentation required by the Control Authority or the pretreatment standard necessary to determine the compliance status of the user. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may modify the months during which the above reports are to be submitted.

(1) The Control Authority may authorize the industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

(i) The Control Authority may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(ii) The monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, but in no case longer than five (5) years. The user must submit a new request for the

waiver before the waiver can be granted for each subsequent control mechanism.

(iii) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. The request for a monitoring waiver must be signed by an authorized representative and include the certification statement in Section 6-336(n). Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 C.F.R. Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(iv) Any grant of the monitoring waiver by the Control Authority must be included as a condition in the user's control mechanism. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Control Authority for 3 years after expiration of the waiver.

(v) Upon approval of the monitoring waiver and revision of the user's control mechanism by the Control Authority, the industrial user must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 C.F.R. specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 C.F.R. §403.12(e)(1)."

(vi) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the user's operations, the user must immediately: Comply with the monitoring requirements of this section or other more frequent monitoring requirements imposed by the Control Authority, and notify the Control Authority.

(vii) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

(2) The Control Authority may reduce the requirement in this section to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the Approval Authority, where the industrial user meets all of the following conditions:

(i) The industrial user's total categorical wastewater flow does not exceed any of the following:

1. 0.01 percent of the design dry weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;

2. 0.01 percent of the design dry weather organic treatment capacity of the POTW; and

3. 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed by the Control Authority;

(ii) The industrial user has not been in significant noncompliance, as defined in 40 C.F.R. §403.8(f)(2)(viii) and Section 6-302(s)(9) of this Code, for any time in the past two years;

(iii) The industrial user does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period;

(iv) The industrial user must notify the Control Authority immediately of any changes at its facility causing it to no longer meet conditions of paragraphs (c)(2)(i) or (ii) of this section. Upon notification, the industrial user must immediately begin complying with the minimum reporting in this section; and

(v) The Control Authority must retain documentation to support the Control Authority's determination that a specific industrial user qualifies for reduced reporting requirements under paragraph (c)(2) of this section for a period of 3 years after the expiration of the term of the control mechanism.

(d) **Flow Monitoring Report.** Significant industrial users that are not subject to categorical pretreatment standards but are subject to city effluent limitations shall submit to the Control Authority at least once every six months (on dates specified by the Control Authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the user must submit documentation required by the Control Authority to determine the compliance status of the user. These reports shall be based on sampling and analysis performed in the period covered by the report.

(e) **Self-monitoring Report.** When required by the Control Authority, an industrial user shall submit a report indicating the concentration of specific pollutants discharged in the effluent. The determination of said pollutants by the Control Authority shall be based on what is reasonably expected to be found at the site and the frequency of monitoring shall be based on the compliance status of the industrial user.

(f) **Detected Violation and Repeat Sampling.** If sampling performed by an industrial user indicates a violation, the industrial user must notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty

(30) days after becoming aware of the violation. Where the Control Authority has performed the sampling and analysis in lieu of the industrial user, the Control Authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if the Control Authority performs sampling at the industrial user's facility at least once a month, or if the Control Authority performs sampling at the industrial user's facility between the time when the initial sampling was conducted and the time when the industrial user or the Control Authority receives the results of this sampling.

(g) **Compliance Schedule.** The following conditions shall apply to the schedule required by Section 6-323(b) and Section 6-336(a)(7) and elsewhere as a result of a violation of this article:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events including the construction and operation of additional pretreatment required for the industrial user to meet the applicable pretreatment standards or city effluent limitations.

(2) No increment referred to in Subdivision (g)(1) shall exceed nine (9) months.

(3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the Control Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.

(h) **Reporting Mass Limits.** The Control Authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or city effluent limitations or requirements, or in other cases where the imposition of mass limitations is appropriate. In such cases, the reports required in Section 6-336(c) and 6-336(d) shall indicate the mass of pollutants regulated by pretreatment standards or city effluent limitations in the effluent of the industrial user.

(i) **Notification of the Discharge of Hazardous Waste.** Any industrial user discharging into the POTW a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R., Part 261 shall notify, in writing, the Control Authority, the EPA Regional Waste Management Division Director, and state hazardous waste authorities. Such notification shall follow the precepts found in 40 C.F.R. §403.12.

(j) **Reports of Changed Conditions.** Each user must notify the Control Authority of any planned significant changes to the user's operations or pretreatment system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

(1) The Control Authority may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.

(2) The Control Authority may issue a Wastewater Discharge Permit or modify an existing Wastewater Discharge Permit in response to changed conditions or anticipated changed conditions.

(3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

(k) **Reports of Potential Problems.** In the case of any discharge, including, but not limited to, accidental discharges, slug loads, or discharges that are otherwise determined to be non-routine or unusual in nature, that may cause potential problems for the POTW, the industrial user shall immediately notify the Control Authority of the incident. Additionally, a written report must be provided within five (5) days. This report shall include the following information:

(1) The date and time of the event.

(2) A description of the cause of the event.

(3) The duration of the event or, if still in progress, the expected time for the event to cease.

(4) The steps to be taken to prevent recurrence of the event.

(l) **Sampling and Analytical Requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of any report required pursuant to this article shall be performed in accordance with the procedures established by the EPA pursuant to Section 304(h) of the Act (33 U.S.C. §1314(h)) and contained in 40 C.F.R. Part 136, and amendments thereto, or with any other test procedures approved by the EPA, unless specifically required otherwise by the Control Authority. Where 40 C.F.R. Part 136 does not include a sampling or analytical technique for the pollutant in question, or where the Regional EPA Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated methods or any other applicable sampling and analytical procedures, including procedures suggested by the Control Authority or other parties, approved by the Regional EPA Administrator.

(1) Where feasible, samples shall be collected through flow proportional composite sampling techniques. In the event flow proportional composite sampling is not feasible, the Control Authority may authorize the use of time proportional sampling or multiple grab samples collected over the course of a process day where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(i) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. Using protocols (including appropriate preservation) specified in 40 C.F.R. Part 136 and appropriate EPA guidance, multiple grab samples collected over the course of a process day may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the

laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate.

(ii) For sampling required in support of Baseline Monitoring Reports and 90-Day Compliance Reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(2) Reports shall contain results of sampling and analysis identifying the nature and concentration (or mass, where required by the Control Authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. Sampling shall be representative of daily operations.

(3) Samples for categorical standards shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists.

(i) If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 C.F.R. §403.6(e) in order to evaluate compliance with the pretreatment standard.

(ii) Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. §403.6(e), this adjusted limit, along with supporting data, shall be submitted to the Control Authority.

(4) Samples for city effluent limitations shall be taken at a point representative of the entire discharge of all the processes emanating from an industrial user.

(m) **Sample Information.** Reports, signed and certified by a duly authorized representative of the industrial user as set forth in 40 C.F.R. §403.6(a)(2)(ii) and 40 C.F.R. §403.12(l) shall certify that such sampling and analysis are representative of normal work cycles and expected pollutant discharges to the POTW and shall contain the following information:

(1) The date, exact place, method, and the time of sampling and the names of the person or persons taking the samples;

(2) The dates analyses were performed;

(3) Who performed the analyses;

(4) The analytical techniques/methods used; and

(5) The results of such analyses.

(n) **Authorized Signature.** All wastewater discharge permit applications and user reports required by this article as well as any other report that may be required by a Wastewater Discharge Permit shall be signed and certified by an authorized representative of the industrial user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(o) **Fraud and False Statements.** The reports required by this article as well as any other report that may be required by a Wastewater Discharge Permit shall be subject to the provisions of 18 U.S.C. § 1001, relating to fraud and false statements, and the provisions of Section 309(c)(4) of the Act (33 U.S.C. § 1319(c)(4)), governing false statements, representations or certifications in reports required under the Act and to the provision set forth in 40 C.F.R. § 403.6(a)(2)(ii) and 40 C.F.R. § 403.12(l).

(p) **Record Keeping.** Any industrial user subject to the reporting requirements established in this article or wastewater discharge permit (including documentation associated with Best Management Practices) shall be required to retain for a minimum of three (3) years any records of monitoring activities and results, and shall make such records available for inspection and copying by the Control Authority. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user.

(q) **Upset.** An upset shall constitute an affirmative action defense to an action brought for noncompliance with categorical pretreatment standards or city effluent limitations if the requirements of Subdivision (1) are met.

(1) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

(i) An upset occurred and that the industrial user can identify the specific cause(s) of the upset.

(ii) The facility was, at the time, being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

(iii) The industrial user had submitted the following information to the Control Authority within twenty-four (24) hours of becoming aware of the upset. Additionally, a written report must be provided within five (5) days in accordance with Section 6-336(k).

(2) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(3) In the usual exercise of prosecutorial discretion, the city's enforcement personnel will ordinarily review any claims that noncompliance was caused by an upset. No determination made in the course of the review shall constitute final city action subject to judicial review. Industrial users will have the opportunity for judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards or city effluent limitations.

(4) The industrial user shall control production and all discharges upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies to the situation, among others, where the primary source of power of the treatment facility is reduced, lost or fails.

(r) **Annual Certification by Non-Significant Categorical Industrial Users.** A facility determined to be a non-significant categorical industrial user pursuant to 40 C.F.R. §403.3(v)(2) and Section 6-302(s)(8) must annually submit the following certification statement, signed in accordance with the signatory requirements in Section 6-336(n). This certification must accompany an alternative report required by the Control Authority:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 C.F.R. _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a non-significant categorical Industrial User as described in 40 C.F.R. §403.3(v)(2);

(b) the facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and

(c) the facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information." (Added Ord. 2002-73, § 24, eff. 1-23-02; Added Ord. 2008-33, eff. 6-22-08).

SEC. 6-337. SEWER SERVICE FUNDS.

(a) A sewer service fund is hereby established. It shall consist of revenue from sewer service charges, revenue from sewer connection charges, and sewer facility charges as herein defined.

(b) All revenue obtained from sewer service charges shall be deposited into said fund, shall be accounted for separately, and shall be expended for the acquisition, construction, reconstruction, maintenance, and operation of wastewater facilities, including payment of interest and principal on bonds issued for such purposes, and for the implementation of the city's pretreatment program. Such funds shall not be expended for new sewers fewer than ten inches in diameter.

(c) All revenue obtained from sewer connection charges shall be deposited into said fund, shall be accounted for separately and shall be expended for the acquisition, construction and reconstruction of the POTW, including payment of interest and principal on bonds issued for

such purposes. Said fund may also provide a capital reserve for depreciation and enlargement of the POTW.

(d) All revenue obtained from sewer facility charges pursuant to section 6-310 shall be deposited into said fund, shall be accounted for separately and shall be expended as provided below:

(i) Wastewater Facilities Charges, shall be imposed, accounted for and expended consistent with section 6-304(a)(5), provided however that Wastewater Facilities Charges collected pursuant to section 6-310 shall only be used for costs which are allocable to businesses.

(ii) Trunk Sewer Charges, shall be imposed, accounted for and expended consistent with section 6-304(a)(4), provided however that Trunk Sewer Charges collected pursuant to section 6-310 shall only be used for costs which are allocable to businesses.

(e) The terms "Sewer Service Charges," "Sewer Connection Charges," and "Sewer Facility Charges" as used herein shall apply only to those funds collected for the use of the POTW and shall not be construed to affect revenues derived from the plumbing permit fees; provided, however, that nothing contained in this section shall be construed to restrict or prohibit the making of transfers from said sewer service fund for the purpose of making temporary loans to one or more of the various departments of the city; and provided further that all such temporary loans shall be restored annually to the sewer service fund on or before the last day of each fiscal year. (Added Ord. 5727, 1960; Am. Ord. 5777, 1960; Am. Ord. 5834, 1960; Am. Ord. 5841, 1960; Am. Ord. 6161, 1962; Am. Ord. 72-140, 1972; Am. Ord. 83-41, § 8, eff. 7-1-83; Am. Ord. 98-87, §§ 18, 19, 1-9-99)

SEC. 6-338. RULES AND REGULATIONS.

The Director may make such rules and regulations as are not inconsistent with the provisions of this article as may be necessary or desirable to aid in the administration or enforcement of the provisions of this article. (Added Ord. 6173, 1962; Am. Ord. 98-91, § 22, 1-1-99).

SEC. 6-339. SPECIAL DISTRICTS.

When a County waterworks, water, sewer, or other special district constructs sewer facilities within the district to city standards and commences receiving city sewer services as a unit, the lines installed by the district may remain the property of the district, in which event the city only shall service and maintain the lines, and the district may elect to bill the user in the name of the district and collect the sewer charges and remit the same to the city, in which event the user shall be charged the same as any other user outside of the city, in accordance with the rate schedule prescribed in Section 6-309(b). Where such district does not connect to the city system as a unit, or the district does not elect to bill and collect as aforesaid, the district shall dedicate and convey to the city all sewer lines owned or constructed by it. Nothing contained herein shall affect the right of the city to acquire any portion of any such system located in territory annexed to the city. (Added Ord. 69-41, 1969).

SEC. 6-340. PRIORITY OF BOND RESOLUTION.

(a) The following shall prevail over any other provisions of this article from September 1, 1974, and continuing so long as there are outstanding and unpaid any City of Fresno 1974 Sewer Revenue Bonds of Series A authorized by Council Resolution No. 74-265:

(1) All sewer connection fees and sewer service charges, together with any interest thereon, shall be deposited in the Revenue Fund.

(2) All sewer connection fees and sewer service charges, and any interest earned thereon, shall be disbursed only as provided in Section 5.04 of Resolution No. 74-265.

(b) Any money transferred from the Surplus Revenue Fund for the benefit of any municipal function other than the Project shall be repaid to the Revenue Fund together with an amount which is not less than the amount of interest that would have been earned on such money in the Surplus Revenue Fund.

(c) In construing the provisions of this section, the following terms shall have the meaning indicated:

(1) "Project" means the Project defined in Section 1.01 of Resolution No. 74-265.

(2) "Revenue Fund" means the Revenue Fund created by Section 5.03 of Resolution No. 74-265.

(3) "Sewer Connection Fees" includes "sewer connection charges."

(4) "Sewer Service Charges" includes "sewer service fees."

(5) "Surplus Revenue Fund" means the Surplus Revenue Fund created by Section 5.04 of Resolution No. 74-265. (Added Ord. 74-96, § 1, eff. 11-4-74).

SEC. 6-341. SEVERABILITY.

If any provision, paragraph, word or section of this article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect. (Added Ord. 83-41, § 9, eff. 7-1-83).



Wastewater Management Division
Environmental Services Section
Chain of Custody

Analysis Request

Sampled By: _____

Date Collected	Time Collected	Field Sample Site Number	Sample Location	Work Order Number	Sample Type	Lab ID Number	Comments	Field pH	Field EC				

Notes

Relinquished By	Received By	Date	Time

FRESNO REGIONAL WASTEWATER TREATMENT FACILITY
Wastewater Discharge Permit Application
Class I

PART A ADMINISTRATIVE

1. Business Name: _____
2. Utility Account Number: _____ SIC Code: _____
3. Business Address: _____
City: _____ State: _____ Zip: _____
4. Business Phone: () _____ FAX: () _____
5. Mailing Address: _____
City: _____ State: _____ Zip: _____
6. Chief Executive Officer:
Title: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Phone Number: () _____ E-mail: _____
7. Person to be contacted about this application:
Name: _____
Title: _____
Phone Number: () _____ E-mail: _____
8. Person to be contacted in case of an emergency:
Name: _____
Title: _____
Phone Number: () _____ (day)
() _____ (night)
9. Certification: *I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Print Name

Title

Signature

Date

FRESNO REGIONAL WASTEWATER TREATMENT FACILITY

Wastewater Discharge Permit Application

Class I

PART B BUSINESS DESCRIPTION

Purpose: The business description is used to determine what substances may be present in the wastewater discharged from your facility as a part of the normal business activity. Production quantities are used for State and Federal Reports.

1. Description of business activity:

2. Actual and Estimated Annual Production:

Type of Product	Amount Generated/Processed Past Calendar Year	Units	Amount Generated/Processed Projected This Calendar Year	Units

2. Material discharged to the collection system: Give the common and technical names of all raw materials and products which may be discharged to the sanitary sewer. Briefly describe the physical and chemical properties of each item.

- 3.
- | <u>Common/Technical Name</u> | <u>Description</u> |
|------------------------------|--------------------|
|------------------------------|--------------------|

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FRESNO REGIONAL WASTEWATER TREATMENT FACILITY

Wastewater Discharge Permit Application

Class I

PART C WATER USAGE AND WASTEWATER DISCHARGE

Purpose: The water usage and wastewater discharge information is used by the Environmental Services Section to determine hydraulic loading to the POTW by industrial users.

1. Water usage and disposition:

Complete the table below using the **average daily volume** of incoming water and wastewater discharged for each item listed, based on water consumption and effluent meter reads. These values are calculated based on the **total, annual** water usage which can be determined from your bimonthly utility bill. Please show all calculations on a separate sheet of paper.

Business Use	Source and Volume of Incoming Water (gal/day)			Destination and Volume of Used Water (gal/day)		
	City Water	Other Water	Source Code ⁽¹⁾	Community Sewer	Other Discharge	Specify Other ⁽²⁾
Sanitary (restrooms)*						
Processes						
Product						
Cleanup/washdown						
Batch ⁽³⁾						
Boiler feed						
Cooling water						
Irrigation						
Other ⁽³⁾						
Other ⁽³⁾						
Total						

* Sanitary water usage is generally calculated using 20 gallons per person per 8 hour shift. If a different volume is used for your calculation, please explain: _____

(1) Other water sources: Enter the volume in the appropriate column. Enter the appropriate code letter indicating the source. (A) Private Well, (B) Private Water District, (C) Storm water, (3) Reclaimed water, (E) other/specify: _____

(2) Other discharge points: Enter the volume in the appropriate column. Enter the appropriate code letter indicating to where the water is disposed. (A) Product, (B) Evaporation, (C) Dry Well, (D) Storm Basin, (E) Other/specify: _____

(3) Other water uses/please specify: _____

PART C (CONTINUED)

2. Number of Employees (Yearly Average)

Days	Office Staff	Work Hours	Day Shift	Work Hours	Swing Shift	Work Hours	Night Shift	Work Hours
Weekdays		to		to		to		to
Saturdays		to		to		to		to
Sundays		to		to		to		to

3. Discharge Period:

a) Discharge occurs daily from _____ (AM / PM) to _____ (AM / PM).

b) Discharge occurs on the following days of the week (please circle).

M	T	W	Th	F	Sa	Su
---	---	---	----	---	----	----

c) Discharge occurs during the following months (please circle).

Jan Feb Mar Apr May June July Aug Sep Oct Nov Dec

d) Total production days: _____ days / year

[illegible]

FRESNO REGIONAL WASTEWATER TREATMENT FACILITY

Wastewater Discharge Permit Application

Class I

PART D

PRODUCTION DIAGRAM

Purpose: The production diagram is a flow chart showing the processes at your facility which discharge wastewater to the collection system. This information is necessary in order for the Environmental Services Section to assess the quality, volume, and discharge potential of each industrial user.

Production diagram: For each major business activity listed in Part B-1 which generates wastewater, draw a diagram of the flow of materials and water from raw materials to finished product. Show all processes which generate wastewater. Number each process with the number of the side sewer (eg: SS #1) to which it discharges. (See instructions on back.)

FRESNO REGIONAL WASTEWATER TREATMENT FACILITY

Wastewater Discharge Permit Application

Class I

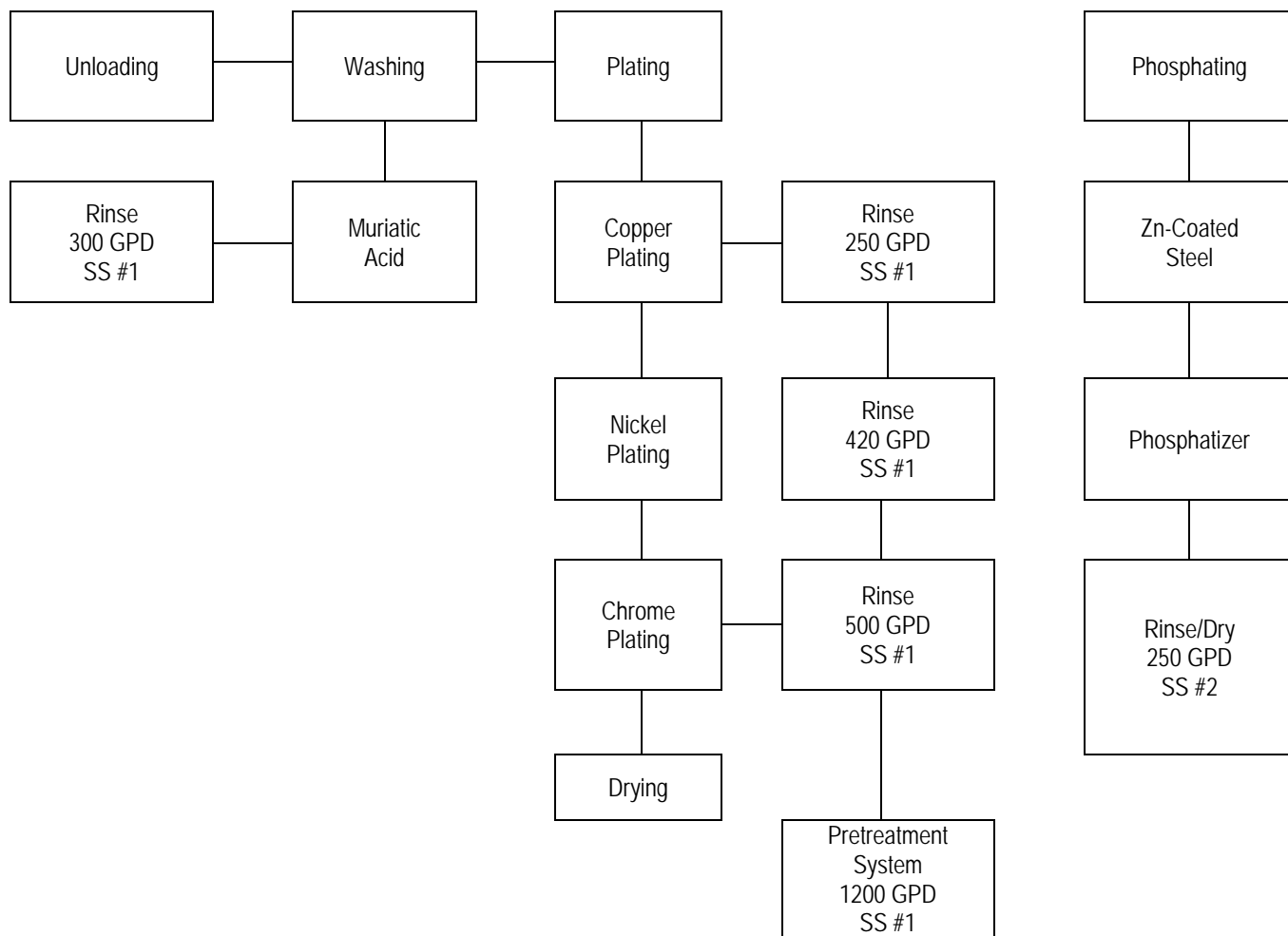
INSTRUCTIONS FOR COMPLETING PART D

General Instructions: Type or print the information. A separate Part D should be completed for each major business activity described in Part B.

Draw a schematic flow diagram of each business activity in Part B. Number each process that generates wastewater using numbers (side sewer #1, etc.) as in the building layout or blue prints shown in Part E.

Determine the average daily volume of wastewater generated in each area. You will need to read water meters, effluent meters or make estimates of volumes that are not directly measurable, and record the results in the diagrams.

ACTIVITY: ELECTROPLATING PROCESS



SS #1 (side sewer #1)
SS #2 (side sewer #2)
GPD (gallons per day)

FRESNO REGIONAL WASTEWATER TREATMENT FACILITY

Wastewater Discharge Permit Application

Class I

PART E

BUILDING LAYOUT DIAGRAM

Purpose: The building layout diagram should show the location of all wastewater discharge points, all chemical and hazardous waste storage areas, and all raw materials and finished product storage areas. This will enable the Environmental Services Section to select the most representative sample site(s) and identify slug discharge potential.

Draw the location of each building on the property. Show the location of water and effluent meters, storm drains, hazardous waste and chemical storage, raw materials and finished products storage. Be sure to show community sewers and each building's side sewer connection to the POTW. Number each sewer connection with the side sewer number (e.g., SS #1, etc.) from Part D. A blueprint or architectural drawing of the facility showing the above areas may be submitted, but will remain on file at Wastewater Management.

FRESNO REGIONAL WASTEWATER TREATMENT FACILITY

Wastewater Discharge Permit Application

Class I

PART F SIDE SEWER DISCHARGE VOLUMES

Purpose: The side sewer discharge volumes show the average volume of process wastewater discharged from each side sewer as identified in Part E. This information is necessary for the Environmental Services Section to assure that all process wastewater is sampled, and that composites are collected in the proper proportions, where applicable.

For each side sewer listed in Part E, complete one of the following tables. Calculate the annual average daily wastewater discharged using the previous twelve months (six billings) water or effluent meter reads. If your processes are seasonal, please calculate a seasonal average daily wastewater discharged using the water or effluent meter reads for those months which represent your **most productive season**. Make additional copies if necessary.

1. Wastewater Discharge Volume:
Side Sewer number _____ (from Part E)

Annual Average Daily Volume: gal/day	Seasonal Average Daily Volume: gal/day (if applicable)

Side sewer number _____ (from Part E)

Annual Average Daily Volume: gal/day	Seasonal Average Daily Volume: gal/day (if applicable)

Side Sewer number _____ (from Part E)

Annual Average Daily Volume: gal/day	Seasonal Average Daily Volume: gal/day (if applicable)

2. If seasonal production is indicated, please identify those months during which your highest production occurs.

Jan Feb Mar Apr May June July Aug Sep Oct Nov Dec

3. Does any batch discharging of wastewater occur? ☐ Yes ☐ No

If yes, please complete the following section:

a) Number of batch discharges is _____ batches per _____.

b) Indicate the days during which batch discharges occur (please circle):

M T W Th F Sa Su

c) List the time(s) of the batch discharges: _____

d) Batch discharge rate: _____ gal/min.

e) Side sewer discharge point: _____.

4. Does any storm water drain to the sanitary sewer? ☐ Yes ☐ No

If yes, please complete the following section:

a) The estimated area which drains to the sanitary sewer: _____ sq. ft.

b) Side sewer discharge point: _____.

FRESNO REGIONAL WASTEWATER TREATMENT FACILITY

Wastewater Discharge Permit Application

Class I

PART G

WASTEWATER PRETREATMENT

Purpose: The wastewater pretreatment section should identify any pretreatment system currently installed at your facility, as well as any systems which you plan to install during the next twelve months. This information is used by the Environmental Services Section to evaluate the effectiveness of various pretreatment systems.

1. Please check those wastewater pretreatment devices which are in use at your facility.

☐ no wastewater pretreatment occurs at this facility

☐ pH adjustment

☐ Holding tank

☐ Solids Separator

☐ Industrial catch basin

☐ Rotary screen

☐ Oil and grease interceptor

☐ Hydrosieve

☐ Chlorination

☐ Shaker screen

☐ Chemical treatment

☐ Biological treatment

☐ Ion exchange

☐ Heavy metal treatment

☐ DAF unit

☐ Filter press

☐ Other _____

☐ Flow equalization

☐ Other _____

2. Describe the design capacity and dimensions of each of the identified pretreatment devices.

3. Estimate the average amount of waste, in gallons or pounds, treated by each of the identified pretreatment devices.

4. Describe any wastewater treatment systems which you plan to install during the next 12 months.

FRESNO REGIONAL WASTEWATER TREATMENT FACILITY

Wastewater Discharge Permit Application

Class I

PART H

SLUG CONTROL AND SPILL PREVENTION

Purpose: The slug control and spill prevention section is designed to evaluate the potential for slug discharge by your facility, and to determine what preventive measures exist to prevent a slug discharge. This information will be used by the Environmental Services Section to determine your facility's slug discharge rating and to determine the need for submittal of an Emergency Slug Response Plan.

Note: A slug is defined as any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. (Fresno Municipal Code, Chapter 9, Article 5, Section 9-501.1(nnn))

SECTION 1. Slug Control Measures:

1. Is there currently an emergency spill prevention plan or Emergency Slug Response Plan in place at your facility?

☐ Yes ☐ No
2. Do you have a Business Plan Registration filed with the County of Fresno?

☐ Yes ☐ No
3. Do you have in storage any of the following items:
 - a) hazardous chemicals?

☐ Yes ☐ No
 - b) non-hazardous chemicals?

☐ Yes ☐ No
 - c) raw materials?

☐ Yes ☐ No
 - d) finished product?

☐ Yes ☐ No
 - e) liquid waste?

☐ Yes ☐ No
 - f) solid waste?

☐ Yes ☐ No
 - g) waste oil?

☐ Yes ☐ No
4. Do storage areas have floor drains which connect to the sanitary sewer system?

☐ Yes ☐ No

If yes, please identify which areas: _____
5. Does your facility have equipment or physical structures to prevent or contain spills?

☐ Yes ☐ No
6. Is there a maintenance program in place for the equipment in No. 5?

☐ Yes ☐ No

If yes, please describe: _____
7. Describe how the following materials are disposed of at your facility:

Material	Method of Disposal
Hazardous chemicals	
Non-hazardous chemicals	
Liquid wastes	
Solid wastes	
Waste oil	

FRESNO REGIONAL WASTEWATER TREATMENT FACILITY
Wastewater Discharge Permit Application
Class I

PART H (CONTINUED)

8. State the name and title of the person responsible for slug control and spill prevention:

9. State the name and title of the person responsible for reporting any spills or slug discharges:

10. Are employees trained in emergency slug response procedures? ☐ Yes ☐ No

11. Are there established procedures for coordinating activities with Wastewater Management in the event of a spill or slug discharge? ☐ Yes ☐ No

SECTION 2. Materials Inventory:

1. List all materials, ***not currently in use***, stored at your facility in amounts greater than 500 lbs or 55 gallons. Use the building layout in SECTION 3 on the next page for identifying the Site Location. Being specific in terminology, include all chemicals, raw materials, end products and wastes generated.

Material	Site Location	Amount in Storage (specify units)	Hazardous (Yes or No)	Pollutant of Concern (specify)	Secondary Containment? (yes or no)
	1				
	2				
	3				
	4				
	5				
	6				
	7				
	8				
	9				
	10				
	12				
	13				
	14				
	15				
	16				

FRESNO REGIONAL WASTEWATER TREATMENT FACILITY
Wastewater Discharge Permit Application
Class I

PART H **(CONTINUED)**

SECTION 3. Building Layout - - Materials Site Location:

1. On a copy of Part E of this application or your blueprint, show the location of each item listed under Section 2 of Part H (Materials Inventory). The materials may be identified by number as they are listed in the previous section.

FRESNO REGIONAL WASTEWATER TREATMENT FACILITY

Wastewater Discharge Permit Application

Class I

PART I

STORM WATER BMP CHECKLIST

1. Adequacy of Spill Prevention and Control Measures	Yes	No	N/A
Are spill kits (with appropriate materials) located in or near appropriate areas, including but not limited to: indoor manufacturing areas, vehicle/equipment fueling areas, vehicle/equipment maintenance areas, above and under ground storage tanks, loading docks?			
Is a Spill Prevention Control and Countermeasures Plan on file? (required for storage of oil and certain hazardous materials)			
Do above Ground Storage Tanks and other outdoor storage areas containing liquids have secondary containment?			
Are used spill clean-up materials containing hazardous materials, or wet absorbent materials, properly disposed of? (not placed in dumpsters designated for municipal waste)			
Are drip pans placed within rails at rail transfer areas?			
Are drip pans or other appropriate containment devices placed under hose connections, hose reels and filler nozzles, and when making and breaking connections?			
2. Adequacy of Outdoor Vehicle and Equipment Wash Area BMPs	Yes	No	N/A
Is vehicle and equipment washing performed in a designated paved area that discharges to the sanitary sewer system or to a closed-loop water reclamation system?			
Is an oil/water separator installed prior to the sanitary sewer connection if engine cleaning or steam cleaning is performed?			
3. Adequacy of Vehicle and Equipment Maintenance BMPs	Yes	No	N/A
Is maintenance performed in a designated area that does not impact storm drains, or are storm drains protected if activity could result in discharges to the storm drains?			
Are drip pans placed under vehicles and equipment to catch spills and leaks?			
Is there any evidence of excessive leakage of vehicles or equipment? (oil and/or other stains)			
4. Proper Storage of Outdoor Materials and Wastes	Yes	No	N/A
Are materials and wastes stored outdoors appropriately contained and/or covered, and in accordance with hazardous materials and waste regulations?			
Are outdoor material and waste storage areas sloped to prevent standing water (especially important if area does not have overhead coverage) and storm water run-on?			
Are outdoor storage areas bermed to prevent storm water run-on?			
Are materials and wastes stored in appropriate containers, with firm lids or covers?			
5. Maintenance of Loading Docks and Other Material Loading/Unloading Areas	Yes	No	N/A
Are control valves installed on storm drains from depressed loading docks?			
Are litter and debris accumulating in any areas? (check catch basins for accumulated litter/debris)			
Are there any spilled liquids?			
Are loading/unloading areas dry swept?			
If no, is all washwater discharged to the sanitary sewer?			
6. Elimination of Non-Storm Water Discharges to the Storm Sewer	Yes	No	N/A
Are there any illicit connections to the storm drain system from interior floor drains, sinks, sumps?			
Verify that the following specific indoor or outdoor discharges are conveyed to the sanitary sewer system or a closed loop treatment system:			
a) Vehicle and equipment washwater			
b) Cooling tower condensate			
c) Building air conditioner condensate that is treated with algaecides, corrosion inhibitors			
d) Contact and non-contact cooling waters			
e) Emergency showers			

FRESNO REGIONAL WASTEWATER TREATMENT FACILITY
Wastewater Discharge Permit Application
Class I

	Yes	No	N/A
f) Wet air scrubbers			
g) Boiler blowdown			
h) Backwash water from filters and deionization units			
i) Reject water from reverse osmosis units			
j) Pressure washing water			
k) Washwater from loading docks			
l) Contaminated roof runoff			
m) Dumpster wash water			
n) Ponds, fountains and pools containing chlorinated/chemically treated water			
o) Contaminated storm water in secondary containment			
Is there any evidence of illegal dumping in storm drains?			
Is there any evidence of dry weather flow?			
If yes, can the source be identified and is it allowable?			
Are storm drains labeled with "No Dumping" signs?			
7. Maintenance of Roofs Vents and Equipment	Yes	No	N/A
Do boiler vents discharge and/or re-condense on the roof?			
Are machinery process residues (e.g., saw dust, paint, steam condensate) visible on the roof?			
Are roof vents excessively greasy?			
Are roof vents cleaned regularly, especially during the wet season?			
If feasible, are drip pans or trays installed at the base of roof vents?			
8. Adequacy of Outdoor Process Area BMPs	Yes	No	N/A
Is there evidence of leaks or wastes generated by outdoor processing?			
If yes, are these areas exposed to rainfall/runoff?			
9. Adequacy of Overall Housekeeping	Yes	No	N/A
Is housekeeping conducted consistently?			
Are litter and debris accumulating in areas that could impact storm drains?			

FRESNO-CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY

INDUSTRIAL USER INSPECTION REPORT

SECTION A: GENERAL INFORMATION

1. Company Name: Industry
2. Facility Address: street
city, state zip
3. Mailing Address: street
city, state zip
4. Company Representative(s): contact phone#
5. City of Fresno Representative(s): name phone#
6. Date and Time of Inspection: month day, year @ 0000

SECTION B: PRODUCT OR SERVICE INFORMATION

1. Is this Industry marked "Confidential?" ☐ Yes ☐ No
2. SIC Code: _____
3. Brief description of service activity and process at this facility:

SECTION C: PRODUCTION INFORMATION

1. a) Do scheduled shutdowns occur? ☐ Yes ☐ No
b) If yes, list time period(s): _____
2. a) Is production seasonal? ☐ Yes ☐ No
b) If yes, indicate periods of maximum and minimum production:
Maximum: _____ Minimum: _____
c) Indicate the months of the year that production occurs: _____
d) indicate the days that production occurs: _____
3. Indicate the times and total hours of production:
Production time: _____ Production hours: _____
4. Indicate the total days of production for the last calendar year: _____
5. a) Are expansion plans scheduled within the next year? ☐ Yes ☐ No
b) If yes, check the appropriate boxes:
☐ New products ☐ Same products, additional capacity
☐ New facility ☐ Expand current facility
☐ Relocation ☐ within ☐ outside of existing service area
6. a) Are there plans to change production within the next year? ☐ Yes ☐ No
b) If yes, please indicate: ☐ increase ☐ decrease

SECTION D: WATER USE INFORMATION

1. Water supply information:

<u>Water Source</u>	<u>Account Number</u>	<u>Destination</u>	<u>Total Usage</u> (last 12 months)
Public:			Gallons
Public:			Gallons
Private:			Gallons
Other:			Gallons
		Total:	Gallons

2. List average daily total plant water usage (GPD): _____
3. a) Does usage vary widely during the production day? [] Yes [] No
 b) If yes, list maximum water usage periods: _____
4. a) Are there specific washdown periods? [] Yes [] No
 b) If yes, describe: _____
5. Indicate the types of treatment used on incoming water supply.
 [] Corrosion or biological growth inhibiting chemicals
 Where used: _____
 Chemical name(s): _____
 [] Process water treatment
 Describe process: _____
 Describe treatment: _____
 [] Water softener
 Number of columns: _____
 Regeneration frequency: _____
 Amount of salt used in regeneration: _____

SECTION E: STORM WATER BMP CHECKLIST

1. What is the disposition of any storm water encountered by this facility? _____

2. Is the Industry required to have a SWPPP? [] Yes [] No
 Comments: _____

3. Adequacy of Spill Prevention and Control Measures:
 a) Are spill kits (with appropriate materials) located in or near appropriate areas, including but not limited to: indoor manufacturing areas, vehicle/equipment fueling areas, vehicle/equipment maintenance areas, above and under ground storage tanks, loading docks? [] N/A [] Yes [] No
 b) Is a Spill Prevention Control and Countermeasures Plan on file? (required for storage of oil and certain hazardous materials) [] N/A [] Yes [] No
 c) Do above Ground Storage Tanks and other outdoor storage areas containing liquids have secondary containment? [] N/A [] Yes [] No
 d) Are used spill clean-up materials containing hazardous materials, or wet absorbent materials, properly disposed of? (not placed in dumpsters designated for municipal waste) [] N/A [] Yes [] No
 e) Are drip pans placed within rails at rail transfer areas? [] N/A [] Yes [] No
 f) Are drip pans or other appropriate containment devices placed under hose

connections, hose reels and filler nozzles, and when making and breaking connections?

☐ N/A ☐ Yes ☐ No

Summary: Are spill prevention and control measures adequate?

☐ N/A ☐ Yes ☐ No

4. Adequacy of Outdoor Vehicle and Equipment Wash Area BMPs:

a) Is vehicle and equipment washing performed in a designated paved area that discharges to the sanitary sewer system or to a closed-loop water reclamation system?

☐ N/A ☐ Yes ☐ No

b) Is an oil/water separator installed prior to the sanitary sewer connection if engine cleaning or steam cleaning is performed?

☐ N/A ☐ Yes ☐ No

Summary: Are outdoor vehicle and equipment wash areas connected to the sanitary sewer?

☐ N/A ☐ Yes ☐ No

Comments: _____

5. Adequacy of Vehicle and Equipment Maintenance BMPs:

a) Is maintenance performed in a designated area that does not impact storm drains, or are storm drains protected if activity could result in discharges to the storm drains?

☐ N/A ☐ Yes ☐ No

b) Are drip pans placed under vehicles and equipment to catch spills and leaks?

☐ N/A ☐ Yes ☐ No

c) Is there any evidence of excessive leakage of vehicles or equipment? (oil and/or other stains)

☐ N/A ☐ Yes ☐ No

Summary: Are vehicle and equipment maintenance BMPs adequate?

☐ N/A ☐ Yes ☐ No

Comments: _____

6. Proper Storage of Outdoor Materials and Wastes:

a) Are materials and wastes stored outdoors appropriately contained and/or covered, and in accordance with hazardous materials and waste regulations?

☐ N/A ☐ Yes ☐ No

b) Are outdoor material and waste storage areas sloped to prevent standing water (especially important if area does not have overhead coverage) and storm water run-on?

☐ N/A ☐ Yes ☐ No

c) Are outdoor storage areas bermed to prevent storm water run-on?

☐ N/A ☐ Yes ☐ No

d) Are materials and wastes stored in appropriate containers, with firm lids or covers?

☐ N/A ☐ Yes ☐ No

Summary: Are outdoor materials and wastes stored properly?

☐ N/A ☐ Yes ☐ No

Comments: _____

7. Maintenance of Loading Docks and Other Material Loading/Unloading Areas:

a) Are control valves installed on storm drains from depressed loading docks?

☐ N/A ☐ Yes ☐ No

b) Are litter and debris accumulating in any areas? (check catch basins for accumulated litter/debris)

☐ N/A ☐ Yes ☐ No

c) Are there any spilled liquids?

☐ N/A ☐ Yes ☐ No

d) Are loading/unloading areas dry swept?

☐ N/A ☐ Yes ☐ No

e) If no, is all wash water discharged to the sanitary sewer?

☐ N/A ☐ Yes ☐ No

Summary: Are loading docks and other material loading areas properly maintained?

☐ N/A ☐ Yes ☐ No

Comments: _____

8. Elimination of Non-Storm Water Discharges to the Storm Sewer:

- a) Are there any illicit connections to the storm drain system from interior floor drains, sinks, sumps? ☐ N/A ☐ Yes ☐ No
- b) Verify that the following specific indoor or outdoor discharges are conveyed to the sanitary sewer system or a closed loop treatment system:
- (1) Vehicle and equipment wash water ☐ N/A ☐ Yes ☐ No
 - (2) Cooling tower condensate ☐ N/A ☐ Yes ☐ No
 - (3) Building air conditioner condensate that is treated with algaecides, corrosion inhibitors ☐ N/A ☐ Yes ☐ No
 - (4) Contact and non-contact cooling waters ☐ N/A ☐ Yes ☐ No
 - (5) Emergency showers ☐ N/A ☐ Yes ☐ No
 - (6) Wet air scrubbers ☐ N/A ☐ Yes ☐ No
 - (7) Boiler blowdown ☐ N/A ☐ Yes ☐ No
 - (8) Backwash water from filters and deionization units ☐ N/A ☐ Yes ☐ No
 - (9) Reject water from reverse osmosis units ☐ N/A ☐ Yes ☐ No
 - (10) Pressure washing water ☐ N/A ☐ Yes ☐ No
 - (11) Washwater from loading docks ☐ N/A ☐ Yes ☐ No
 - (12) Contaminated roof runoff ☐ N/A ☐ Yes ☐ No
 - (13) Dumpster wash water ☐ N/A ☐ Yes ☐ No
 - (14) Ponds, fountains and pools containing chlorinated/chemically treated water ☐ N/A ☐ Yes ☐ No
 - (15) Contaminated storm water in secondary containment ☐ N/A ☐ Yes ☐ No
- c) Is there any evidence of illegal dumping in storm drains? ☐ N/A ☐ Yes ☐ No
- d) Is there any evidence of dry weather flow? ☐ N/A ☐ Yes ☐ No
- e) If yes, can the source be identified and is it allowable? ☐ N/A ☐ Yes ☐ No
- f) Are storm drains labeled with "No Dumping" signs? ☐ N/A ☐ Yes ☐ No
- Summary: Are all non-storm water discharges eliminated?** **☐ N/A ☐ Yes ☐ No**

Comments: _____

9. Maintenance of Roofs Vents and Equipment:

- a) Do boiler vents discharge and/or re-condense on the roof? ☐ N/A ☐ Yes ☐ No
- b) Are machinery process residues (e.g., saw dust, paint, steam condensate) visible on the roof? ☐ N/A ☐ Yes ☐ No
- c) Are roof vents excessively greasy? ☐ N/A ☐ Yes ☐ No
- d) Are roof vents cleaned regularly, especially during the wet season? ☐ N/A ☐ Yes ☐ No
- e) If feasible, are drip pans or trays installed at the base of roof vents? ☐ N/A ☐ Yes ☐ No
- Summary: Are roof vents and equipment properly managed?** **☐ N/A ☐ Yes ☐ No**

Comments: _____

10. Adequacy of Outdoor Process Area BMPs:

- a) Is there evidence of leaks or wastes generated by outdoor processing? ☐ N/A ☐ Yes ☐ No
b) If yes, are these areas exposed to rainfall/runoff? ☐ N/A ☐ Yes ☐ No
Summary: Are outdoor process areas properly maintained? ☐ N/A ☐ Yes ☐ No

Comments: _____

11. Adequacy of Overall Housekeeping:
a) Is housekeeping conducted consistently? ☐ N/A ☐ Yes ☐ No
b) Are litter and debris accumulating in areas that could impact storm drains? ☐ N/A ☐ Yes ☐ No
Summary: Is overall housekeeping adequate? ☐ N/A ☐ Yes ☐ No

Comments: _____

12. Is referral to Fresno Metropolitan Flood Control District for follow-up storm water quality inspection required?
☐ Yes ☐ No

SECTION F: WASTEWATER DISCHARGE INFORMATION

1. a) Is the facility connected to a sanitary sewer system? ☐ Yes ☐ No
b) If yes, list sewer system: _____ Account number: _____
c) If not connected, are there future plans for connection? ☐ Yes ☐ No
d) If future connection is planned, when? _____; List sewer system: _____
2. a) Sewer billing is based on: ☐ potable meter, ☐ effluent meter, ☐ other _____
b) If effluent meter is employed, complete the following:
Manufacturer: _____
Method of Operation: _____
Date of last calibration: _____
Sanitary flat fee last updated: _____
3. a) Does the facility have more than one sanitary sewer connection to the public sewer system? ☐ Yes ☐ No
b) If yes, list number of connections: _____
c) Is sanitary waste discharged to the public sewer separately from process waste? ☐ Yes ☐ No
d) Are all liquid wastes discharged to the sanitary sewer system? ☐ Yes ☐ No
e) If no, list waste types: _____
4. Describe each separate process which discharges wastewater to a building sewer:

Process	Description of Process
1	
2	
3	
4	
5	

5. For each process listed in No. 4 above, indicate the characteristics of the wastewater, the type of the discharge, and the metered or estimated average and maximum daily discharge:

Process	Wastewater Characteristics	Batch Discharges		Continuous Discharge (GPD)		Pretreatment Prior to Discharge? (Yes/No)
		Frequency	Gallons	Average	Maximum	
1						
2						
3						
4						
5						

6. List discharge time(s): _____

7. a) Regulations – indicate all regulations applicable to this industry:

Local: _____ Federal: _____

- b) Does the combined wastestream formula apply? [] Yes [] No

- c) If yes,

- 1) Provide the values for the average daily flow of the regulated stream (F_i) and the average daily flow of all other streams combined with the regulated stream (F_D), and
- 2) Set up the Combined Wastestream Formula as described in 40 C.F.R. 403.6(e), where:
 $F_i =$ _____ and $F_D =$ _____

- d) Indicate the adjusted limits:

Pollutant	Daily Maximum (mg/L) 40 C.F.R. 433	Monthly Maximum (mg/L) 40 C.F.R. 433
Cadmium		
Chromium		
Copper		
Lead		
Nickel		
Silver		
Zinc		
Total Metals		
Total Cyanide		
Total Toxic Organics		

8. Pretreatment System - Indicate which system(s) is used: [] No pretreatment system is employed

- | | | |
|---|---|--|
| <input type="checkbox"/> Air flotation | <input type="checkbox"/> Chemical precipitation | <input type="checkbox"/> Chlorination |
| <input type="checkbox"/> Filtration | <input type="checkbox"/> Flow equalization | <input type="checkbox"/> Grease & oil separation |
| <input type="checkbox"/> Sand interceptor | <input type="checkbox"/> Grit removal | <input type="checkbox"/> Ion exchange |
| <input type="checkbox"/> Reverse osmosis | <input type="checkbox"/> Screening | <input type="checkbox"/> Neutralization, pH control |
| | | <input type="checkbox"/> acid <input type="checkbox"/> caustic |

- ☐ Sedimentation ☐ Solvent separation

☐ Biological treatment (type): _____

☐ Other chemical treatment (type): _____

☐ Other physical treatment (type): _____

☐ Rainwater diversion or storage: _____

[] Other (describe): _____

Design capacity of system(s): _____ G.P.M.

9. Pretreatment system is a [] continuous [] batch treatment system

10. Pretreatment system is [] automated [] manual

Comments: _____

11. Pretreatment system manufacturer: _____

12. Pretreatment system chemicals: _____

13. Current status of pretreatment system: [] Operational [] Non-operational

Comments: _____

14. Briefly describe any routine maintenance required to assure continual and proper operation of the pretreatment system. Include any items that need cleaning or any type of calibration and frequency of calibration needed.

15. Is there a full time wastewater treatment operator? [] Yes [] No

16. Are all wastewater treatment units in service? [] Yes [] No

17. Is there a wastewater treatment Operations and Maintenance Manual? [] Yes [] No

18. Is there a spare parts inventory of critical parts? [] Yes [] No

19. Are there by-passes? [] Yes [] No

Comments: _____

20. Are air pollution control devices employed? [] Yes [] No

a) If yes, where? _____

b) If water is used, list rate of use (G.P.M.) and disposition of used water: _____

21. Describe any sludge treatment methods: _____

22. Indicate which substances are contained in the wastewater discharge:

[] Acids & acidic wastes	[] Alkali & caustic wastes	[] Fats & greases
[] Petroleum oils	[] Soaps, surfactants, & detergents	[] TTOs
[] Metal cleaning & preparation wastes	[] Pesticides, herbicides, rodenticides	[] Metal finishing wastes
[] Electroplating wastes	[] Phenol containing wastes	[] Photographic wastes
[] Benzene & benzene derivatives	[] Organic solvents & thinners	[] Inks & printing wastes
[] Dyes, coloring agents	[] Radioactive wastes	[] High EC wastes
[] Waxes	[] Other wastes: _____	

SECTION G: SLUG CONTROL AND RESPONSE

1. Are bypass / slug / upset discharge notification procedures posted in the facility? [] Yes [] No

2. a) Is there equipment to prevent or contain spills? [] Yes [] No

b) If yes, describe: _____

3. a) Is there a maintenance program for such equipment? [] Yes [] No

b) If yes, describe: _____

4. Person responsible for slug control: _____ (name) _____ (title)

5. Person responsible for slug notification: _____ (name) _____ (title)

6. Are employees trained in emergency slug response techniques? ☐ Yes ☐ No
7. Are procedures established for coordinating activities with Wastewater Management in the event of a slug?
☐ Yes ☐ No Comments: IU follows procedures as outlined in their discharge permit.
8. Slug Risk Category - By noting the quantities and types of materials stored and/or used, the potential of said materials to enter the sewer system, and the adequacy of existing controls for slug prevention, indicate the Slug Risk Category for this industry to spill:
a) Into the sanitary sewer system b) Into the storm sewer system
☐ Low ☐ Low
☐ Medium ☐ Medium
☐ High ☐ High
9. Is an Emergency Slug Control and Response Plan required? ☐ Yes ☐ No
Briefly justify your decision: _____

SECTION H: OTHER WASTES

1. a) Is heavy equipment used at this facility (forklifts, cranes, trucks, tractors, etc.)? ☐ Yes ☐ No
b) If yes, is equipment serviced or cleaned on the property? ☐ Yes ☐ No
2. a) Are any solid or liquid wastes, sludges, or other residues generated that require off-site disposal? ☐ Yes ☐ No
b) If yes, provide information in the table below for each generated waste:

Waste Type	Is Waste Hazardous?		Amount Generated (indicate units)	Containment & Disposal
	Yes	No		

SECTION I: RECORD KEEPING

1. Are self-monitoring reports being submitted according to permit requirements? ☐ N/A ☐ Yes ☐ No
Comments: _____
2. Are on site records maintained and available for review? ☐ Yes ☐ No
Comments: _____
3. Are on-site records kept on file for at least a minimum of three (3) years? ☐ Yes ☐ No
Comments: _____
4. Are all reports signed by an authorized representative? ☐ Yes ☐ No
Comments: _____
5. Are Spill and/or Bypass / Slug / Upset Reports being submitted? ☐ N/A ☐ Yes ☐ No
Comments: _____
6. a) Is a Toxic Organic Management Plan (TOMP) on file? ☐ N/A ☐ Yes ☐ No
b) If yes, is the TOMP being implemented and followed? ☐ Yes ☐ No
Comments: _____
- c) Are periodic certifications being implemented and followed? ☐ Yes ☐ No
- d) If monitoring for TTOs is required, is the effluent being analyzed for the pollutants which could be discharged?
☐ Yes ☐ No ☐ Not Required

e) If yes list parameters: _____

7. File review – Indicate which of the following documents are present in the industry's files:

- ☐ Wastewater Discharge Permit # _____, effective _____ through _____
- ☐ Fresno Municipal Code ☐ Clovis Municipal Code ☐ Material Safety Data Sheets
- ☐ Sewer Utility Bills ☐ Flow Monitoring Report ☐ Periodic Compliance Report
- ☐ Self-Monitoring Test Results for:
- ☐ metals ☐ cyanide ☐ oil & grease ☐ pH ☐ TTOs
- ☐ other (specify): _____
- ☐ POTW Test Results ☐ Disposal Manifests ☐ Hazardous Waste Manifests
- ☐ EPA Identification # _____
- ☐ Enforcement Notices for:
- ☐ Discharge Parameters ☐ Administrative Parameters
- ☐ Permit Modifications ☐ Correspondence from POTW (specify) _____
- ☐ Other (specify): _____

SECTION J: INDUSTRY SAMPLING AND TESTING INFORMATION

1. List all persons authorized to collect samples for the industry:

<u>Name</u>	<u>Title</u>
_____	_____
_____	_____
_____	_____

2. a) Sampling point: _____

b) Is sampling point representative? ☐ Yes ☐ No

c) Are proper sampling techniques being applied? ☐ Yes ☐ No

Comments: _____

3. Are samples properly preserved? ☐ Yes ☐ No

Comments: _____

4. Indicate which self-monitoring analyses are performed by the industry and complete all pertinent information.

<u>Analysis</u>	<u>Sample Type</u>	<u>Frequency</u>	<u>Container</u>	<u>Preservative</u>
<input type="checkbox"/> pH				
<input type="checkbox"/> HEM (Oil & Grease)				
<input type="checkbox"/> Metals				
<input type="checkbox"/> Total Cyanide				
<input type="checkbox"/> TTO				

5. a) Is pH measured immediately after collection? ☐ N/A ☐ Yes ☐ No

b) Is pH measured with a pH meter? ☐ Yes ☐ No

c) Is a continuous recording pH meter used? ☐ Yes ☐ No

d) Are results being submitted? ☐ Yes ☐ No

e) If yes, indicate type of results: ☐ Recording charts ☐ Summary reports

f) If no, were the results reviewed at the time of this inspection? ☐ Yes ☐ No

g) List any pH violations noted: _____

6. a) Indicate where analyses are performed: ☐ In-house ☐ Outside lab
Comments: _____
b) Is this a state certified lab, certified in the analysis of wastewater? ☐ Yes ☐ No
c) Are 40 C.F.R. 136 procedures being followed? ☐ Yes ☐ No
Comments: _____

SECTION K: POTW SAMPLING AND TESTING INFORMATION

1. This industry is currently on: ☐ Continued Compliance or ☐ Enforcement Monitoring Schedule
2. a) Sampling point: _____
b) Is sampling point representative? ☐ Yes ☐ No
Comments: _____
c) Does the I.U. agree that this is the most representative sampling point? ☐ Yes ☐ No
Comments: _____
3. a) Does the industry have a composite sampler? ☐ Yes ☐ No
b) If yes, the make is: _____
c) If yes, is the composite: ☐ flow proportioned or ☐ timed
4. List the best time(s) to collect samples: _____
5. Are the samples properly preserved? ☐ Yes ☐ No
Comments: _____
6. Indicate which analyses are performed by the POTW and complete all pertinent information.

<u>Analysis</u>	<u>Sample Type</u>	<u>Frequency</u>	<u>Container</u>	<u>Preservative</u>
<input type="checkbox"/> BOD				
<input type="checkbox"/> Total Suspended Solids				
<input type="checkbox"/> pH				
<input type="checkbox"/> EC				
<input type="checkbox"/> HEM (Oil & Grease)				
<input type="checkbox"/> Metals				
<input type="checkbox"/> Total Cyanide				
<input type="checkbox"/> TTO				

7. For the following constituents, indicate the range & average results obtained by the POTW since the industry's last permit was issued (Flow data for billing periods 00/00/00 thru 00/00/00; test results from 00/00/00 thru 00/00/00):

<u>Constituent</u>	<u>Range</u>	<u>Units</u>	<u>Average</u>	<u>Units</u>
Consumption		G.P.D.		G.P.D.
Effluent		G.P.D.		G.P.D.
BOD		mg/L		mg/L
Total Suspended Solids		mg/L		mg/L
pH		N/A		N/A
EC		µmhos		µmhos
HEM (Oil & Grease)		mg/L		mg/L
Cadmium		mg/L		mg/L
Total Chromium		mg/L		mg/L
Copper		mg/L		mg/L
Lead		mg/L		mg/L

Nickel		mg/L		mg/L
Silver		mg/L		mg/L
Zinc		mg/L		mg/L
Total Cyanide		mg/L		mg/L
TTOs		mg/L		mg/L

8. a) Indicate where analyses are performed: ☐ In-house ☐ Outside lab
 Comments: _____
 b) Is this a state certified lab, certified in the analysis of wastewater? ☐ Yes ☐ No
 c) Are 40 C.F.R. 136 procedures followed? ☐ Yes ☐ No
 Comments: _____

SECTION L: ENFORCEMENT

1. a) Is the I.U. presently under enforcement action by the City of Fresno? ☐ Yes ☐ No
 b) If yes, describe status: _____
 2. a) Is the I.U. under a compliance schedule? ☐ Yes ☐ No
 b) If yes, list milestones and compliance dates:

<u>Milestones</u>	<u>Completion Date</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- c) Are compliance schedule progress reports being submitted? ☐ Yes ☐ No
 Comments: _____

3. Summarize all violations since the last permit was issued:

Parameter	Date of Violation	Level of Enforcement

☐ No violations since last permit was issued.

SECTION M: GENERAL COMMENTS

1. Indicate any follow-up tests required by either the I.U. or the POTW: ☐ None or

 2. Additional sampling or testing required: ☐ None or

3. Billing review; account # _____

Service	Component	Description	Rate Group

Account # _____

Service	Component	Description	Rate Group

4. Special requirements: _____ [] None or

5. Visit summary: _____

6. Follow-up: _____

SECTION N: RECOMMENDATIONS

1. a) Shall this industry be issued a Wastewater Discharge Permit? [] Yes [] No
b) If yes, indicate type: [] Class I [] Class II [] Class III
c) Duration of permit: _____ year(s) _____ month(s)
2. Indicate which reporting requirements shall apply for this permit:

<u>Document</u>	<u>Due Date</u>
Flow Monitoring / Periodic Compliance Report	June 15, December 15
Hazardous Waste Manifests	January 15, April 15, July 15, October 15
Effluent Meter Calibration Certificate	June 15, December 15
Self-Monitoring Reports (specify analytes)	_____
Other (specify)	_____

SECTION O: SIGNATURE

Environmental Control Officer

Date

Supervising Environmental Control Officer

Date

Chief of Wastewater Environmental Services

Date

FRESNO-CLOVIS REGIONAL WASTEWATER DISCHARGE PERMIT

Class I

PERMITTEE IS REQUIRED TO READ THIS MATERIAL IN ITS ENTIRETY

Permit Number:

Effective Date:

Expiration Date:

Application Due Date:

Business Name:

Service Account(s):

Business Address

Mailing Address

User Discharge Classification:

F/C I(a-e)

Description:

Categorical/Significant Industrial User located in Fresno/Clovis with an effluent discharge volume greater than _____ but less than _____.

The City of Fresno (**the Control Authority**) hereby authorizes _____ (**the Permittee**) to discharge wastewater to the Fresno Regional Wastewater Reclamation Facility subject to said compliance with the conditions stated within this permit.

This wastewater discharge permit is issued in accordance with Section 6-335 of the Fresno Municipal Code and expressly authorizes the Permittee to discharge wastewater to the Publicly Owned Treatment Works. If, for any reason, this wastewater discharge permit is revoked, suspended, or otherwise held invalid, authorization to discharge is terminated. (*FMC Chapter 6, Article 3, Section 6-335(b)*)

IN RECEIVING THIS PERMIT, the Permittee agrees to abide by all conditions set forth herein.

SECTION A. GENERAL CONDITIONS

1. This permit shall be maintained on file at the business address.
2. The Permittee must apply for a Discharge Permit reissuance a minimum of ninety (90) days prior to the expiration date of this permit. (*FMC Chapter 6, Article 3, Section 6-335(e)(2)*)
3. A current copy of Chapter 6, Article 3 of the Fresno Municipal Code (FMC) shall be maintained on file at the business address, and the Permittee shall comply with all relevant provisions of the FMC.
4. The Permittee agrees to cooperate at all times with Control Authority personnel. Owners and occupants of premises where wastewater is created or discharged shall allow the EPA, the State, the City or the City's representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling or record examination, or in the performance of any of their duties. (*FMC Chapter 6, Article 3, Section 6-322(a)*)
5. This permit becomes void upon change of ownership, location or operations of an existing facility. (*FMC Chapter 6, Article 3, Section 6-335(j)*)

6. The terms and conditions of this permit may be modified as a result of EPA promulgation of any new Federal pretreatment standards. *(FMC Chapter 6, Article 3, Section 6-335(h))*
7. The terms and conditions of this permit may be modified or deleted by the Control Authority at any time as limitations or requirements as identified by the City's ordinance are modified or other just cause exists. *FMC Chapter 6, Article 3, Section 6-335(h))*
8. This permit may also be modified to incorporate special conditions resulting from issuance of special orders. *(FMC Chapter 6, Article 3, Section 6-335(h))*
9. If any condition of this permit or its application to any circumstance is held invalid, the application of said condition to any other circumstance, as well as the remainder of this permit, shall not be affected.
10. The Control Authority shall be notified of any planned significant changes to the Permittee's operations or pretreatment system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change. For this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants. *(FMC Chapter 6, Article 3, Section 6-336(j))*
11. The Control Authority shall be notified immediately of any discharge, including, but not limited to, accidental discharges, slug loads, or discharges that are otherwise determined to be non-routine or unusual in nature, that may cause potential problems for the POTW. Additionally, a written report must be provided within five (5) days which shall include the following information:
 - a. A description of the cause of the event;
 - b. The duration of the event or, if still in progress, the expected time for the event to cease; and
 - c. The steps to be taken to prevent recurrence of the event.*(FMC Chapter 6, Article 3, Section 6-335 (k))*
12. The Control Authority shall be notified of any changes in business hours, principal executive officer and/or designee.
13. The Permittee agrees to comply with the latest revision of the General Pretreatment Regulations for Existing and New Sources of Pollution (40 C.F.R. 403).
14. The agreed upon sampling point is _____.

SECTION B. DISCHARGE LIMITATIONS

1. The Permittee shall not discharge, directly or indirectly, to the sewer system any pollutant or wastewater which will cause Pass Through or Interference at the POTW.
(FMC Chapter 6, Article 3, Section 6-327(a))
2. The Permittee shall not discharge any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C). *(FMC Chapter 6, Article 3 Section 6-327(b)(1))*
3. The Permittee shall maintain the pH of the process wastewater discharged to the collection system between 6.0 and 12.4. *(FMC Chapter 6, Article 3, Section 6-327(b)(2))*

4. The Permittee shall refrain from discharging solid or viscous substances which may cause obstruction to the flow in the POTW. *(FMC Chapter 6, Article 3, Section 6-327(b)(3))*
5. The Permittee shall refrain from discharging any pollutants, including oxygen-demanding pollutants (e.g., BOD) at a flow rate and/or pollutant concentration which will cause Interference at the POTW. *(FMC Chapter 6, Article 3, Section 6-327(b)(4))*
6. The Permittee shall refrain from discharging any wastewater containing heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that will cause the temperature at the treatment plant to exceed 104°F (40°C). *(FMC Chapter 6, Article 3, Section 6-327(b)(5))*
7. The Permittee shall refrain from discharging petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through. *(FMC Chapter 6, Article 3, Section 6-327(b)(6))*
8. The Permittee shall refrain from discharging pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems. *(FMC Chapter 6, Article 3, Section 6-327(b)(7))*
9. The Permittee shall refrain from discharging any trucked or hauled pollutants except at discharge points designated by the Control Authority. *(FMC Chapter 6, Article 3, Section 6-327(b)(8))*
10. The Permittee shall refrain from discharging any industrial waste exceeding one-half inch in dimension. *(FMC Chapter 6, Article 3, Section 6-327(b)(9))*
11. The Permittee shall refrain from discharging any wastewater containing toxic pollutants in sufficient quantity to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the POTW. *(FMC Chapter 6, Article 3, Section 6-327(b)(10))*
12. The Permittee shall refrain from discharging any noxious, malodorous liquids, gases, or solids which are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair. *(FMC Chapter 6, Article 3, Section 6-327(b)(11))*
13. The Permittee shall refrain from discharging any substance which may cause the POTW's effluent or other product of the POTW to be unsuitable for reclamation and reuse or to interfere with the reclamation process. *(FMC Chapter 6, Article 3, Section 6-327(b)(12))*
14. The Permittee shall refrain from discharging any substance which will cause the Control Authority to violate its Waste Discharge Requirements. *(FMC Chapter 6, Article 3, Section 6-327(b)(13))*
15. The Permittee shall refrain from discharging any wastewater with objectionable color not removed in the treatment process. *(FMC Chapter 6, Article 3, Section 6-327(b)(14))*
16. The Permittee shall refrain from discharging any wastewater containing radioactive material in sufficient quantity to interfere with any treatment process or constitute a hazard to humans or animals. *(FMC Chapter 6, Article 3, Section 6-327(b)(15))*
17. The Permittee shall refrain from discharging any wastewater containing substances that may precipitate, solidify, or become viscous at temperatures between 40°F (4.4°C) and 100°F (37.7°C). *(FMC Chapter 6, Article 3, Section 6-327(b)(16))*
18. The Permittee shall refrain from discharging any recognizable portions of the human anatomy. *(FMC Chapter 6, Article 3, Section 6-327(b)(17))*

19. The Permittee shall refrain from discharging any storm water, surface water, groundwater, roof runoff, or subsurface drainage which is acceptable to be discharged to other facilities, where such facilities are available. *(FMC Chapter 6, Article 3, Section 6-327(b)(18))*
20. The Permittee shall refrain from discharging any cooling water which is sufficiently clean to be discharged to other facilities, where such facilities are available. *(FMC Chapter 6, Article 3, Section 6-327(b)(19))*
21. The Permittee shall refrain from discharging any malodorous substance such as hydrogen sulfide or any other substances which will cause offensive odors in the sewer system or at the treatment plant. *(FMC Chapter 6, Article 3, Section 6-327(b)(21))*
22. The Permittee shall refrain from discharging any substance which is not amenable to treatment by the processes employed at the treatment plant. *(FMC Chapter 6, Article 3, Section 6-327(b)(22))*
23. The Permittee shall refrain from discharging any substance which will cause corrosive structural damage to the POTW. *(FMC Chapter 6, Article 3, Section 6-327(b)(23))*
24. The Permittee shall refrain from discharging any slug loading. *(FMC Chapter 6, Article 3, Section 6-327(b)(24))*
25. The Permittee shall refrain from discharging any wastewater that comes into contact with any process utilizing tetrachloroethene. *(FMC Chapter 6, Article 3, Section 6-327(b)(25))*
26. The Permittee shall refrain from discharging wastewater causing two successive readings on an explosion hazard meter of more than five per cent (5%), or any single reading over ten per cent (10%). *(FMC Chapter 6, Article 3, Section 6-327(b)(26))*
27. The Permittee shall refrain from discharging any process wastewater in excess of the following regulatory limits:

Parameter	Local Limit Daily Average	Federal Maximum for Any One Day	Federal Monthly Average	Units
Cadmium	0.12			mg/L
Chromium, Total	6.7			mg/L
Copper	2.5			mg/L
Cyanide, Total	0.77			mg/L
Lead	1.2			mg/L
Nickel	1.3			mg/L
Silver	1.1			mg/L
Zinc	2.1			mg/L
Total Toxic Organics (TTO)	N/A	2.13		mg/L
Phenolic Compounds	300	N/A		mg/L
Trichloroethene	0.12	N/A		mg/L
Tetrachloroethene	0.77	N/A		mg/L
BETX*	20	N/A		mg/L
Oil & Grease (as HEM)	700	N/A		mg/L

*Benzene, ethylbenzene, toluene, and xylene as a single constituent or as a cumulative total.
((FMC Chapter 6, Article 3, Section 6-327(d)) / 40 C.F.R. xxxxxxxx)

28. In accordance with the most stringent values obtained from the above mentioned regulatory limits and notwithstanding the applicable federal monthly average limits, the Industrial User shall, at a minimum, refrain from discharging process wastewater in excess of the following:

Parameter	Discharge Limit	Units
Cadmium		mg/L
Chromium, Total		mg/L
Copper		mg/L
Cyanide, Total		mg/L
Lead		mg/L
Nickel		mg/L
Silver		mg/L
Zinc		mg/L
Total Toxic Organics (TTO)		mg/L
Phenolic Compounds		mg/L
Trichloroethene		mg/L
Tetrachloroethene		mg/L
BETX*		mg/L
Oil & Grease (as HEM)		mg/L

*Benzene, ethylbenzene, toluene, and xylene as a single constituent or as a cumulative total.

29. No user shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by the Control Authority.
(FMC Chapter 6, Article 3, Section 6-330)
30. Bypass is prohibited and the Control Authority may take enforcement action against the Permittee, unless the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime; and the Permittee submitted prior notice in accordance with FMC Section 6-331(d). (FMC Chapter 6, Article 3, Section 6-331(b))

SECTION C. REPORTING REQUIREMENTS

1. A Flow Monitoring Report shall be submitted to the Wastewater Management Division's Environmental Services Section **semiannually** by **June 15** and **December 15** indicating the measured or estimated average daily flow, in gallons, for the six (6) months **preceding** the report due date. The Flow Monitoring Report shall include any documentation used to substantiate the information provided and shall have the certification statement as required by 40 C.F.R. 403.12 (m). (FMR Chapter 6, Article 3, Section 6-336(d))

or

2. A Periodic Compliance Report shall be submitted to the Wastewater Management Division's Environmental Services Section **semiannually** by **June 15** and **December 15** indicating the measured or estimated average daily flow, in gallons, for the six (6) months **preceding** the report

due date. Indicate the concentration of pollutants listed which are discharged to the sewer system on each business activity pursuant to 40 C.F.R. _____. The Periodic Compliance Report shall include any documentation used to substantiate the information provided and shall have the certification statement signed as required by 40 C.F.R. 403.12(l).

(FMR Chapter 6, Article 3, Section 6-336(c))

3. During an evaluation by the Control Authority that occurs at least biennially, it was determined that the Permittee needs an Emergency Slug Control and Response Plan. The Emergency Slug Control and Response Plan shall be submitted to the Control Authority by _____.
(FMC Chapter 6, Article 3, Section 6-320)
4. A copy of the certificate of calibration for the Permittee's **effluent meter(s)** shall be submitted annually/semiannually by **June 15** and **December 15**. Certification is to be done by a qualified civil engineer, instrumentation specialist or other trained professional.
(FMC Chapter 6, Article 3, Section 6-315(a))
5. Copies of all disposal manifests shall be maintained on file for periodic review by the Control Authority.
6. Copies of the manifest(s) for all Hazardous Wastes removed from the premises by means other than the Municipal Sewer System shall be submitted to the Control Authority. Submit the manifest copies for each preceding quarter to the Control Authority by **January 15, April 15, July 15 and October 15 of each year**. If no manifests were generated for a specific quarter, a letter so stating must be submitted by each respective due date.
7. **A series of four (4) grab samples** shall be collected of the process wastewater for the course of a process day, **quarterly/semiannually/annually** at the agreed upon sampling point and analyzed for **total cyanide**, (*Standard Methods, method 4500 CN- E*) by a California State Certified Laboratory certified in the analysis of wastewater, and the results shall be submitted to the Control Authority. The sampling periods and report due dates shall be in accordance with the following schedule:

Sampling Period	Report Due Date

Samples that are collected by the City of Fresno staff or concurrently collected by the Industrial User cannot be user to fulfill this permit requirement.

Or

8. **A series of four (4) grab samples** shall be collected of the process wastewater for the course of a process day, **quarterly/semiannually/etc** at the agreed upon sampling point and analyzed for **oil and grease as hexane extractable material (HEM)** (*EPA Method 1664A*), by a California State Certified Laboratory certified in the analysis of wastewater, and the results shall be submitted to the Control Authority. The sampling periods and report due dates shall be in accordance with the following schedule:

Sampling Period	Report Due Date

Samples that are collected by the City of Fresno staff or concurrently collected by the Industrial User cannot be user to fulfill this permit requirement.

9. **One (1) composite sample** shall be collected (either by a composite sampler or by a series of grab samples with a minimum of one (1) grab sample for every two (2) hours) of the process wastewater for the course of the process day, **quarterly/semiannually/etc** at the agreed upon sampling point and analyzed for **cadmium, total chromium, copper, lead, nickel, silver and zinc**, (*EPA Method 200.7*) by a California State Certified Laboratory certified in the analysis of wastewater, and the results shall be submitted to the Control Authority. The sampling periods and report due dates shall be in accordance with the following schedule:

Sampling Period	Report Due Date

Samples that are collected by the City of Fresno staff or concurrently collected by the Industrial User cannot be user to fulfill this permit requirement.

10. Unless otherwise stated, all samples shall be collected, preserved, and analyzed in accordance with the latest revision of the Guidelines Establishing Test Procedures for the Analysis of Pollutants under the Clean Water Act (40 C.F.R., Part 136).
11. The following information shall be recorded for each measurement or sample taken pursuant to the requirements of this permit:
- a) The exact place, date, type (composite or grab), and time of sampling (If a composite sampler is used, the information shall include the volume collected for each sample as well as the frequency of collection. If a series of grab samples is used, the information shall include the volume collected as well as the time collected for each grab sample.)
 - b) The preservation method
 - c) The date(s) the analyses were performed
 - d) The person(s) who performed the analyses
 - e) The analytical technique(s) or method(s) used
 - f) The results of all required analyses
 - g) The detection limits

(FMC Chapter 6, Article 3, Section 6-336(m))

12. If a self-monitoring sample is in violation of any discharge limit, the Permittee shall notify the Control Authority at 559-621-51xx within twenty-four (24) hours of becoming aware of the violation. The Permittee shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. The Permittee is not required to resample if the Control Authority monitors the Permittee's facility at least once a month, or if the Control Authority has sampled in the interim between the Permittee's initial sampling and when the Permittee received the results of the violating sample. *(FMC Chapter 6, Article 3, Section 6-336(f))*

13. All reports required by this permit shall be signed by an authorized representative as described in 40 C.F.R. 403.12(m) and shall contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(FMC Chapter 6, Article 3, Section 6-336(n))

SECTION D. RECORD KEEPING

1. All records, documents, memoranda and reports relating to the monitoring, sampling and chemical analysis of the process wastewater shall be retained and preserved for no less than three (3) years. Said records, documents, memoranda and reports shall be available for inspection and copying by the Control Authority. *(FMC Chapter 6 Article 3 Section 6-336(p))*
2. All records that pertain to matters that are the subject of special orders, or any other enforcement or litigation activities shall be retained and preserved until all enforcement activities have concluded, and all periods of limitation with respect to all appeals have expired.
(FMC Chapter 6, Article 3, Section 6-336(p))

SECTION E. CONFIDENTIAL INFORMATION

1. All information and data concerning the Permittee obtained from reports, questionnaires, wastewater discharge permit applications, wastewater discharge permits, monitoring programs, and inspections shall be available to the public without restriction unless the user specifically requests otherwise, and is able to demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data.
(FMC Chapter 6, Article 3, Section 6-321(a))
2. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately to governmental agencies for uses related to the Pretreatment Program, and in enforcement proceedings involving the person providing the report.
(FMC Chapter 6, Article 3, Section 6-321(b))
3. Wastewater constituents and characteristics and other effluent data as defined by 40 C.F.R. 2.302 will not be recognized as confidential information and will be available to the public without restriction. *(FMC Chapter 6, Article 3, Section 6-321(c))*

SECTION F. ENFORCEMENT/PENALTIES

1. The Control Authority is responsible for enforcing the provisions of Chapter 6, Article 3 of the Fresno Municipal Code and any condition or provision of any permit issued pursuant to that article. *(FMC Chapter 6, Article 3, Section 6-323(a))*
2. The Permittee is in violation of Chapter 6, Article 3 of the Fresno Municipal Code whenever the Permittee violates or causes a violation of any of the terms of that article, any rule adopted by the Control Authority to administer or enforce that article, and any notice, order, or demand issued by the Control authority pursuant to an Enforcement Response Plan. Any violation of Chapter 6, Article 3 of the Fresno Municipal Code shall be a public nuisance.
(FMC Chapter 6, Article 3, Section 6-323(b))
3. The Control Authority may take action pursuant to its Enforcement Response Plan as appropriate for any violation of the Fresno Municipal Code or the Permittee's wastewater discharge permit. Available remedies of violations include issuing various types of violation notices, issuing an administrative citation, modifying or revoking the Permittee's wastewater discharge permit, or terminating utility service. *(FMC Chapter 6, Article 3, Section 6-323(c))*

4. The Control Authority may request the City Attorney's Office to pursue civil and/or criminal action pursuant to local, state, or federal law, including, but not limited to California Government Code Section 54740. (*FMC Chapter 6, Article 3, Section 6-323(c)(6)*)
5. The Control Authority may issue an administrative citation with a fine of up to twenty-five thousand dollars (\$25,000) per violation per day. (*FMC Chapter 6, Article 3, Section 6-323(e)*)
6. Pursuant to the Enforcement Response Plan, the following levels of escalating enforcement and administrative citations have been established:

a. Warning Notice (and all associated Notices of Noncompliance)	\$250
b. Notice of Violation (and all associated Notices of Noncompliance)	\$500
c. Consent Order (and all associated Notices of Noncompliance)	\$750
d. Compliance Order (and all associated Notices of Noncompliance)	\$1,000
e. Show Cause Order (and all associated Notices of Noncompliance)	\$1,000
7. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained for this permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this permit, shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) or by imprisonment for not more than six (6) months, or by both. (*FMC Chapter 6, Article 3, Section 6-323(h)*)
8. The Control Authority shall be reimbursed for all costs, including overhead incurred for labor, sampling, laboratory analysis and equipment, as a result of a user failing to comply with any provision of the Fresno Municipal Code. (*FMC Chapter 6, Article 3, Section 6-323(i)*)
9. The Industrial User will be required to reimburse the POTW for costs associated with the treatment and disposing of wastes or flow from a slug discharge.
10. In addition to any administrative citations that may be issued, failure to submit required reports by specified deadlines will result in the assessment of the following cost recovery charges:

a. First day late	\$45.00
b. Each additional day late	\$22.50

Administrative cost recovery charges will continue to accrue until the required document is received

SECTION G. SPECIAL OPERATING CONDITIONS

1. The Industrial user shall comply with the latest revision of the Federal Hazardous Waste Regulations (40 C.F.R., Parts 122, 124, 260, 261, 262, 263, 264 and 265).
2. The Industrial User is categorized as a metal finisher and shall comply with the latest revision of the Federal Categorical Standards for Metal Finishers (40 C.F.R. 433).
3. The Industrial User shall operate and maintain all industrial wastewater pretreatment devices and/or monitoring equipment in a satisfactory and approved manner.
4. The Industrial User shall dispose of all Hazardous Waste generated on site in accordance with the Hazardous Waste Regulations.
5. The Industrial User shall dispose of oil and grease, sludges, and spent chemicals generated in accordance with: (1) Section 405 of the *Clean Water Act*; (2) Subtitles C and D of the *Resource Conservation and Recovery Act*.

SECTION H. CORRESPONDENCE

All reports and correspondence shall be submitted to the following address:

Environmental Services Section
Wastewater Management Division
5607 West Jensen Avenue
Fresno, CA 93706-9458

for Director of Public Utilities

Date

Xxx
Class I Permit.blank form
25-Mar-09



Providing Life's Essential Services

Fresno – Clovis Regional Wastewater Reclamation Facility Wastewater Management

Enforcement Response Plan

July 1, 2008

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Introduction

A well planned monitoring program is essential to the success of a Pretreatment Program. This allows for updated industrial user information and provides adequate data to determine if compliance is being met. The scope of the monitoring surveillance program is expanded or reduced as necessary. The Enforcement Response Plan (ERP) provides the framework for determining the appropriate response when administrative or discharge violations occur.

Industrial user sampling is primarily conducted by Wastewater Management. The Fresno Municipal Code grants the right of entry to industrial sites upon presentation of appropriate identification. Samples are submitted to the Wastewater Management Laboratory, or if necessary, a private laboratory, for analysis. The Wastewater Management Laboratory is certified by the State of California, Department of Health Services Environmental Laboratory Accreditation Program (ELAP) for water and wastewater analysis. Any outside laboratory used must also be ELAP certified.

The City of Fresno Pretreatment Program includes two types of monitoring schedules. Those industries on the compliance monitoring schedule have maintained compliance for six consecutive months and are sampled according to the following schedule:

Parameter	Sampling Frequency
Cyanide	Semiannually
Metals (categorically-regulated industries)	Two days quarterly
Metals (industrial laundries)	Semiannually
Metals (low impacting industries)	Annually
Oil and grease (impacting industries)	Quarterly
Oil and grease (non-impacting industries)	Annually
pH	Annually or semiannually, depending on historical data
Total Toxic Organics	Annually
Volatile organics (industrial laundries only)	Annually

Industries that have incurred a violation of categorical pretreatment standards and/or local limits are placed on the enforcement sampling schedule. The sampling frequency varies according to the level of enforcement as follows:

Level of Enforcement	Sampling Frequency
Warning Notice	Resample within thirty (30) days after the industrial user submits the corrective action completion report
Violation Notice – Discharge	At least bimonthly for a period of six (6) months from the date of the last violation
Consent Order	At least monthly for a period of six (6) months from the date of the last violation
Compliance Order	At least monthly for a period of six (6) months from the date of the last violation

In addition to POTW monitoring, significant industrial users may be required to perform their own sampling and analysis and submit their self-monitoring reports to the Wastewater Management Division. All analyses must be performed by a laboratory that is certified for water and wastewater analysis by the State of California, Department of Health Services Environmental Laboratory Accreditation Program (ELAP).

Timeline for Addressing Violations

Any instance of non-compliance shall be properly cited and documented in accordance with the ERP, within two (2) weeks of becoming aware of the non-compliance.

Definition – Control Authority

Control Authority means the City of Fresno Department of Public Utilities and Wastewater Management Division and its representatives or designees.

Tracking Sampling Results and Industry Reporting

Continued Compliance Monitoring

The Continued Compliance Monitoring list is for industrial users that are in discharge compliance. The frequency of sampling is based on each Industrial users potential to impact the POTW, and it is determined on a case-by-case basis.

Routine monitoring of industrial users includes collecting samples for all parameters regulated in their individual Wastewater Discharge Permit. Sampling events are scheduled without notice to the industrial users. Samples are collected, preserved, and analyzed using procedures in accordance with 40 CFR Part 136.

Review of Continued Compliance Monitoring

A two part chain of custody form accompanies all samples delivered to the Wastewater Management Laboratory. The yellow copy of the chain of custody form accompanies the sample and the white copy is retained by Environmental Services Section (ESS) staff. Upon delivery, each sample container receives an integrity check and the chain of custody is signed by a Senior Laboratory Technician. The Senior Laboratory Technician will also assign a lab work order number to each sample.

After delivery of samples to the laboratory, the following information pertaining to each chain of custody is reviewed by ESS staff.

- (a) Industry
- (b) Sampling location and type
- (c) Sample observations and /or abnormalities
- (d) Field readings such as pH, EC, etc.
- (e) Sample ID and work order numbers
- (f) Date and time
- (g) Type of requested analysis
- (h) Sampler's name

Sampling information is logged in a book for tracking. ESS staff uses the above information to compile and organize analytical data from the laboratory.

Samples that are delivered to a contract laboratory are logged in by an Inventory Control Technician and the samples are assigned internal lab control numbers. Sample ID and Work Order numbers are assigned by ESS staff. Test results from contract labs are reviewed by the Wastewater Management laboratory for test methods, detection limits, and accuracy of the quality control samples. A lab staff member assigned to this task enters the sample results into the Laboratory Information Management System (LIMS). All sample results are manually entered except for organic analytical results. Only the date received is entered for these results. The completed laboratory work orders are reviewed by the Senior Laboratory Technician for quality control protocol and signed off by the Laboratory Supervisor. Hard copies of the sample results are forwarded to the Supervising Environmental Control Officer. ESS staff collects the data from LIMS, summarizing and recording the data on a work sheet. The work sheet is given to the ESS staff member responsible for that industry. Another copy of the work sheet is placed in the file for that industry. All violations on the work sheet are flagged and action will be taken following the Enforcement Response Guide.

Tracking Sampling Results and Industry Reporting

Review of Industry Self-monitoring Reports

All self-monitoring reports (SMRs) received from industrial users are stamped with the date that they are received. If an industry fails to submit the report, action will be taken according to the ERP. The ESS staff member responsible for that industry reviews the chain of custody for the sampling site, test methods, dates, times, detection limits, person collecting the sample and test results. Test results in violation are flagged for enforcement action according to the ERP. The industry will also be placed on an enforcement sampling schedule and an enforcement inspection will be scheduled. The industry is required to notify the Control Authority within twenty-four hours after learning of the violation and resample the parameter in violation. Enforcement action will be taken if the industry fails to notify the Control Authority or resample. If there are no violations the SMR is summarized, recorded and filed.

Review of revenue pH sampling

A pH measurement is taken during each industry revenue sample. Any sample result outside of discharge limitations will be reported to the Wastewater Management staff member in charge of that industry for enforcement action.

Enforcement List

Industrial users placed on the Enforcement Sampling list have violated continued compliance monitoring or their self-monitoring report. Wastewater Management will track samples and take action using the guide lines of the ERP. A permit modification may be issued requiring the industry to increase sampling of the violating parameter or parameters. Wastewater Management will also conduct enforcement inspections to verify compliance status. The industry will return to the continued compliance monitoring list after satisfying all of the ERP requirements.

Enforcement Response Plan - Administrative

This document is intended to be used to address a failure to submit various reports including Flow Monitoring Reports, compliance schedule progress reports/completion reports, or other reports as may be required.

Due Date

The due date is the date specified in a wastewater discharge permit or other regulatory and/or enforcement document. Wastewater Management will notify the industry by telephone or personal contact if the document is not received by the due date.

Grace Period

Following the due date, an industry is allowed a grace period of five (5) business days to provide adequate time for a report to move through the mail system. Documents received within the grace period are not considered to be in violation.

Penalties and Enforcement Charges

Penalties are assessed with each enforcement document that an industry receives. In addition, other enforcement charges in the form of cost recovery apply for each day that a document is not received. These charges are listed in the Master Fee Schedule and in the appendix of this document. They are also listed in the ERP Guide for Administrative Issues.

Warning Notice

If a document is not received by the end of the grace period and the industry was previously notified of the situation, a Warning Notice will be issued informing the industry that they are now considered to be in violation and will include the cost recovery accrual rate. The industry will be given a deadline of fourteen (14) calendar days following the end of the grace period to submit the required document.

Notice of Violation

If a document is not received after fourteen (14) calendar days following the end of the grace period and the industry was previously notified of the situation, a Notice of Violation (NOV) will be issued informing the industry of the violation. The industry will also be given a deadline which will be twenty-eight (28) calendar days after the end of the grace period to submit the document. Cost recovery charges continue to accrue.

Consent Order

If an industry fails to submit a document after twenty-eight (28) days following the end of the grace period and was previously notified of the situation, a Consent Order will be issued requiring a meeting between the industry representative and Wastewater Management to ascertain the source of the problem and to find a mutually agreeable solution. Cost recovery charges continue to accrue.

Enforcement Response Plan – Administrative

Compliance Order

If an industry fails to submit a document forty-five (45) days after the due date (no grace period) and was previously notified of the situation, a Compliance Order will be issued requiring a meeting between the industry representative and Wastewater Management to ascertain the source of the problem and to find a mutually agreeable solution. Cost recovery charges continue to accrue. The industry is now in Significant Noncompliance.

Significant Noncompliance

An industry that fails to provide, within forty-five (45) days after the due date, any required reports is in Significant Noncompliance. Public notification listed under 40 CFR 403.8 (f) (2) (viii) is required. There are no additional monetary penalties.

Special Circumstances

Communication is a priority. Every effort is made to contact an industry to remind them of the various documents that are due. In the event that a document has not been received after fourteen (14) days or longer following the grace period and the industry was never notified or reminded of the situation, the industry will be notified by phone and given the opportunity to submit the document by the end of the day of notification without incurring any cost recovery charges. If the document is received after the day of notification, cost recovery charges will begin accumulating with the base assessment being the fourteen-day cap. Under these circumstances, a Warning Notice would be issued and enforcement would escalate sequentially. Regardless of these special circumstances, the status of Significant Noncompliance will not change, neither will the public notification requirement as required in 40 CFR 403.8 (f) (2) (viii).

Enforcement Response Guide for Administrative Issues

Violation	NATURE and/or SEVERITY	ENFORCEMENT RESPONSE	PENALTY ²
Document received after due date. ¹	Within 5 business days after due date. This is known as the grace period.	No violation Wastewater Management will notify the industry by telephone or personal contact if the document is not received by the due date.	None
	Document not received by the end of the grace period.	Issue <u>Warning Notice</u> , industry given a deadline of fourteen (14) calendar days following end of grace period.	\$250.00 plus: \$45 first day \$22.50 each additional day ³
	Document not received by fourteen (14) calendar days following end of grace period.	Issue <u>Notice of Violation</u> , industry given a deadline of twenty-eight (28) calendar days following end of grace period.	\$500.00 plus: \$22.50 each additional day
	Document not received by twenty-eight (28) calendar days following end of grace period.	Issue <u>Consent Order</u> requiring a meeting with the industry to determine a solution.	\$750.00 plus: \$22.50 each additional day
	Document not received by forty-five calendar days after the due date (no grace period).	Issue <u>Compliance Order</u> requiring a meeting with the industry to determine a solution. Industry also in SNC, see below.	\$1,000.0 plus: \$22.50 each additional day
	Document not received by forty-five (45) days after the due date.	Industry is in Significant Noncompliance (SNC). Follow public notification requirements of 40 CFR 403.8 (f)(2)(viii)	No additional penalty

Notes:

1. Documents included are permit applications, flow monitoring reports, compliance schedule reports, or any other required reports.
2. Penalties are assessed beginning the first day after the grace period.
3. If the industry was never reminded of the due date, cost recovery charges will be waived provided the report is received by the end of the day of notification. If the document is not received, cost recovery charges will begin with a maximum 14-day cap and will resume accruing until it is finally received.

Enforcement Response Plan - Discharge

This document is intended to explain the different levels of enforcement related to discharge violations. It is to be used in conjunction with the Discharge Enforcement Response Plan Flow Chart and Enforcement Response Guide. The order in which the types of enforcement are listed is not necessarily the order in which enforcement is applied.

An Enforcement Review Committee (ERC) comprises members of the ESS staff who meet upon request to discuss an industry's enforcement status, pretreatment system proposals or modifications, and enforcement actions on a case-by-case basis. Any deviation from the Discharge Enforcement Response Plan needs to be reviewed and approved by the ERC.

A Compliance Schedule is a list of actions with completion dates to be taken by a violating industry to get back into compliance.

A Compliance Check is a sampling event performed after receiving the Compliance Schedule Completion Report.

Re-sample after a violation

After a violation at any enforcement level a re-sample shall be completed within thirty (30) days of the violation by the industry during their self-monitoring or by Wastewater Management.

Charges and Penalties

Any industry on enforcement status shall be assessed cost recovery charges for sampling and analysis at each enforcement level. These charges are listed in the Master Fee Schedule. Additional penalties for each level of enforcement are listed in the Master Fee Schedule. The penalty schedule is included in the appendix.

Monitoring and Sampling

For pH sampling, each individual sample result shall be compared to the local limit to determine compliance. Where the effluent of an industry is continuously monitored for pH, the industry shall maintain the pH within the local and federal range with the following excursions allowed:

1. The total time during which the pH values are outside the accepted range shall not exceed fifteen (15) minutes in any calendar day.
2. No individual excursion outside the accepted range shall exceed five (5) minutes.

For all other sampled parameters, the local limits are daily averages. Each individual grab or daily composite sample result is compared to the applicable local or federal limit as listed below. Metals have local, federal maximum daily, and federal maximum monthly average limits. Cyanide has local and federal limits. Oil and Grease has a local limit only. Total Toxic Organics (TTO) has a federal limit only. All other organic analyses have a local limit only.

Enforcement Response Plan – Discharge

Warning Notice

If a monitored parameter is in violation, a Warning Notice will be issued for any first violation during the most recent rolling six (6) months or for subsequent violations when all of the following conditions are met:

1. The violation did not exceed the Technical Review Criteria (TRC) values of 1.4 for oil and grease or 1.2 for all other parameters (excluding pH).
2. The violation for pH is no lower than 5.0 or does not exceed 12.4
3. The industry has not shown a pattern of recurring or seasonal violations. The existence of a pattern shall be determined by Wastewater Management.
4. The industry is not on a Compliance Schedule for the violated parameter.
5. The industry has had no more than one (1) Warning Notice for the same parameter in a three (3) month period and no more than three (3) in twelve (12) consecutive months.
6. The industry has not had a failure to maintain or operate monitoring or pretreatment equipment for six (6) consecutive months.

The Warning Notice will inform the industry of the parameter in violation and will also request that the permittee submit in writing, within fifteen (15) days, the corrective action planned to prevent a similar violation in the future. Wastewater Management will decide if the corrective measures are sufficient.

Wastewater Management will perform a compliance check within thirty (30) days after receiving the corrective action completion report for the Warning Notice. Failure to pass the compliance check will escalate enforcement.

Warning Notices are reportable on Quarterly and Annual Reports.

Issuance of a Warning Notice will not alter the monitoring schedule that the industry is on; however, enforcement monitoring charges and fees will be assessed.

Notice of Violation

A Notice of Violation will be issued if the violation does not meet the criteria for a Warning Notice. A written response is required within fifteen (15) days citing the cause of the violation and requiring the submittal of the Compliance Schedule, stating action(s) to be taken and completion dates that will correct the violation and prevent future violations of the same nature.

Wastewater Management will review the Compliance Schedule and determine if it is adequate. If necessary, the Compliance Schedule will be presented to the ERC. An enforcement inspection will be conducted and a compliance check will be performed within thirty (30) days after receiving the Compliance Schedule completion report. Failure to pass the compliance check will escalate enforcement.

Enforcement Response Plan – Discharge

Notice of Violation, continued

The industry will be required to start or increase the frequency of self-monitoring to at least bimonthly for the parameter violated until they pass their compliance check. After successful completion of the Compliance Schedule, Wastewater Management may allow for decreased self-monitoring. The Industry will be added to the enforcement schedule where the parameter in violation will be sampled at least bimonthly for six (6) months from the date of the last violation. Enforcement monitoring charges and fees will be assessed.

Recording devices may be required for recordable parameters. Rental or purchase of new monitoring equipment may also be required.

Successfully staying in compliance for a period of six (6) consecutive months after submitting a Compliance Schedule Completion Report will qualify the industry to meet the criteria for a Warning Notice should another incidence of noncompliance occur for the same parameter that prompted escalating enforcement.

Consent Order

A Consent Order will be issued if the industry fails to pass the compliance check from a Notice of Violation or if both of the following conditions are met:

1. The industry has passed the compliance check but incurs a violation for the same parameter that the NOV was issued for within six (6) consecutive months following completion of the Compliance Schedule.
2. The situation does not meet the criteria for issuing a Warning Notice.

The Consent Order is an agreement that is reached following a meeting between the industry and Wastewater Management. At that meeting, a Compliance Schedule will be designed with specific dates for acquisition, construction, and installation of pretreatment equipment that will enable the permittee to achieve and maintain compliance for at least six (6) consecutive months. Time frames for the Compliance Schedule will vary with the need of consultants, permits, and construction. Extensions for any of the milestones must be requested in writing and approved by Wastewater Management prior to the scheduled milestone.

An enforcement inspection will be conducted and a compliance check will be performed by Wastewater Management within thirty (30) days after receiving the Compliance Schedule completion report. Failure to pass the compliance check will escalate enforcement.

The industry will be required to increase the frequency of self-monitoring to at least monthly for the parameter violated until they pass their compliance check. After successful completion of the Compliance Schedule, self-monitoring may be decreased at Wastewater Management discretion.

The industry will be added to an enforcement schedule where the parameter in violation will be sampled at least monthly for six (6) months from the date of the last violation. Enforcement monitoring charges and fees will be assessed.

Refusal to sign the Consent Order or failure to meet its milestones or reporting requirements without approved extensions will impose additional administrative fees and may escalate directly to a Show Cause Hearing.

Enforcement Response Plan – Discharge

Successfully staying in compliance for a period of six (6) consecutive months after submitting a Compliance Schedule Completion Report will qualify the industry to meet the criteria for a Warning Notice should another incidence of noncompliance occur for the same parameter that prompted escalating enforcement.

Compliance Order

A Compliance Order will be issued if the permittee fails to pass the compliance check from a Consent Order or if all of the following conditions are met:

1. The industry has completed the Consent Order in good faith, has passed the compliance check but incurs a violation for the same parameter that the Consent Order was issued for within six (6) consecutive months following completion of the Compliance Schedule.
2. The industry does not qualify to receive a Warning Notice.
3. Future compliance is possible because of ongoing efforts by the permittee.

The Compliance Order documents the history of the noncompliance and mandates installation of additional pretreatment equipment according to a strict construction schedule similar to the Consent Order. Wastewater Management will mandate specific dates to install a complete pretreatment system, including interim and final reporting requirements.

Refusal to sign and/or comply with the terms and conditions of the Compliance Order may result in a Show Cause Hearing and/or Cease and Desist Order.

An enforcement inspection will be conducted and a compliance check will be performed by Wastewater Management within thirty (30) days after receiving the Compliance Order completion report. Failure to pass the compliance check will escalate enforcement.

The industry may be required to increase the frequency of self-monitoring beyond that required for the Consent Order for the parameter violated until compliance is achieved. After successful completion of the Compliance Order, Wastewater Management may allow for decreased self-monitoring.

The industry will be added to an enforcement schedule where the parameter in violation will be sampled at least monthly for six (6) months from the date of the last violation. Enforcement monitoring charges and fees will be assessed.

Successfully staying in compliance for a period of six (6) consecutive months after submitting a Compliance Schedule Completion Report will qualify the industry to meet the criteria for a Warning Notice should another incidence of noncompliance occur for the same parameter that prompted escalating enforcement.

Show Cause Order

If the industry fails to comply with the requirements of any order, notice, or demand of the ERP, the Control Authority may order any industry to show cause before the Director why the water and/or sewer services of the industry should not be terminated. A notice will be served on the industry specifying the time and place of a Show Cause Hearing to be held by the Director or his/her designee regarding the violation. The notice of the hearing shall be served personally or by certified mail, return receipt requested, at least ten (10) days before the hearing. Service of notice will be made on an authorized representative of the industry, or the occupant(s), and/or owner(s), of record of the property. The Director will conduct the meeting, giving the industry time to present his/her/its position.

Enforcement Response Plan – Discharge

If the problems causing the noncompliance appear to be resolvable at the hearing's conclusion, an order will be issued to the industry that following a specified time period, the water and/or sewer service will be disconnected unless adequate facilities have been installed or upgraded to ensure future compliance. The Director can take other actions as provided for in the Fresno Municipal Code. Monthly enforcement sampling will continue at the discretion of Wastewater Management.

Notice of Noncompliance

When a violation has occurred and the industry is on a Compliance Schedule for the violated parameter, a Notice of Noncompliance (NON) will be issued informing the user that they are still in noncompliance. These notifications serve notice to the industry to review their operation and make changes as needed. Additional penalties in accordance with the Master Fee Schedule will apply for each NON issued.

Cease and Desist Order

This order may be issued to a user to terminate its discharge or a specific discharge stream to the collection system for any of the following situations:

- Illegal or unauthorized discharge
- Interference or pass through in the collection system or at the treatment facility
- Health hazards for personnel servicing the collection system or the general public
- Results of a Show Cause Hearing

The order may be issued immediately upon discovery of the problem or following a Show Cause Hearing. It can also be issued alone or in conjunction with any other notice to stop violations of a general or specific discharge prohibition or local limit.

In an emergency, a Cease and Desist Order may be given verbally, either in person or over the phone, and followed up with a written notice.

Enforcement Response Guide - Discharge

Violation	NATURE and/or SEVERITY	ENFORCEMENT RESPONSE	PENALTY ²
Any violation of discharge prohibitions listed in FMC Chapter 6, Article 3, Section 6-327 or applicable Code of Federal Regulations	Meets criteria for a Warning Notice	<p>Issue <u>Warning Notice</u></p> <ul style="list-style-type: none"> -Industry to submit corrective action plan within fifteen (15) days. -Wastewater Management will perform a compliance check within thirty (30) days after receiving corrective action plan. 	\$250.00
	Does not meet criteria for a Warning Notice.	<p>Issue <u>Notice of Violation</u>¹</p> <ul style="list-style-type: none"> - Industry to submit Compliance Schedule within fifteen (15) days. - Bi-monthly self monitoring required - Wastewater Management will: <ol style="list-style-type: none"> 1) Re-sample within thirty (30) days of violation 2) Perform a compliance check within thirty (30) days after receiving the Completion Report. 3) Sample bi-monthly for six (6) months from the date of the last violation. 	\$500.00
Industry fails to stay in compliance for six months after submitting the Completion Report under a Notice of Violation	<ul style="list-style-type: none"> - Violation is for the same parameter that the NOV was issued for within six (6) months following completion of the Compliance schedule. - Violation does not meet criteria for a Warning Notice 	<p>Issue <u>Consent Order</u></p> <ul style="list-style-type: none"> - Meeting with Wastewater Management and industry, develop Compliance Schedule with timelines for equipment upgrades to maintain compliance - Self monitoring increased to monthly - Wastewater Management will: <ol style="list-style-type: none"> 1) Re-sample within 30 days of violation 2) Perform a compliance check within thirty (30) days after receiving the Completion Report. 3) Sample monthly for six (6) months from the date of the last violation. 	\$750.00
Industry fails to stay in compliance for six months after submitting the Completion Report under a Consent Order	<ul style="list-style-type: none"> - Violation is for the same parameter that the Consent Order was issued for within six (6) months following completion of the Compliance schedule. - Industry has acted in good faith - Violation does not meet criteria for a Warning Notice. 	<p>Issue <u>Compliance Order</u></p> <ul style="list-style-type: none"> - The Compliance Order documents the history and mandates additional equipment installed with strict timelines and reporting. - Industry may be required to increase self monitoring - Wastewater Management will: <ol style="list-style-type: none"> 1) Re-sample within 30 days of violation 2) Perform a compliance check within thirty (30) days after receiving the Completion Report. 3) Sample monthly for six (6) months from the date of the last violation. 	\$1000.00

Enforcement Response Guide – Discharge, continued

Violation	NATURE and/or SEVERITY	ENFORCEMENT RESPONSE	PENALTY ²
Failure to comply with the requirements of any order, notice, or demand of the ERP.	- Industry has not acted in good faith	<p>Issue notice of Show Cause</p> <ul style="list-style-type: none"> - Notice will specify time and place to meet with the Director or his/her designee. - The notice shall be served at least ten (10) days before the hearing. - The industry will be required to show cause why termination of water or sewer service should not occur. - If the problem is resolvable an Order will be issued with a compliance schedule - Wastewater Management may continue enforcement sampling - The Director can take other actions as provided for in the Fresno Municipal Code. 	\$1000.00
Industry has a violation while on a Compliance Schedule at any enforcement level	The violation is for the same parameter covered by the Compliance Schedule	<p>Issue <u>Notice of Non-compliance (NON)</u></p> <ul style="list-style-type: none"> - Industry to review their operation and make changes as needed to correct the issue 	\$250.00
<ul style="list-style-type: none"> -Illegal or unauthorized discharge - Results of a Show Cause hearing - Other violations deemed serious enough to warrant immediate action 	<ul style="list-style-type: none"> - Causing interference at the POTW - Causing damage to the environment through pass through at the POTW - Causing health hazards to the public or personnel servicing the collection system or POTW 	<p>Issue <u>Cease and Desist Order</u></p> <ul style="list-style-type: none"> - Can be issued following a Show Cause hearing or with any other violation notice for stopping a specific prohibited discharge. - If an emergency, can be issued verbally - If the industry fails to comply, Wastewater Management will seek legal action. 	No additional penalty.

Notes:

1. At the NOV level for a pH violation Wastewater Management will determine if a pH chart or data recorder is required.
2. Enforcement sampling and analysis charges also apply; see the appendix or the Master Fee Schedule.

Significant Noncompliance (SNC)

"Significant Noncompliance" means a compliance status in which an industrial user has a violation which meets one or more of the following criteria:

1. Chronic violations of waste water discharge limits, defined as those in which sixty six percent or more of all the measurements taken for the same pollutant parameter during a six month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.
2. Technical Review Criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, HEM, and 1.2 for all other pollutants except pH).
3. Any other violation of a pretreatment standard or requirement that has caused, alone or in combination with other discharges, interference, pass through, or endangered the health of plant personnel or the general public.
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
6. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, periodic self monitoring reports, and reports on compliance with compliance schedules.
7. Failure to accurately report noncompliance.
8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

At least annual public notification shall be made in a newspaper of general circulation within the jurisdiction served by the POTW of industrial users which, at any time during the previous 12 (twelve) months, were in significant noncompliance with applicable pretreatment requirements.

40 CFR 403.8 (f) (2) (viii)

Enforcement Response Plan - Other Issues

This part of the ERP covers issues that do not fall under the administrative or discharge ERP, but may require enforcement action. Examples would include an industry failing to maintain their composite sampler or effluent meter used for revenue sampling and billing.

Industry effluent meter malfunction

If the industry notifies Wastewater Management of the malfunction, no enforcement action will be taken provided the meter is repaired or replaced and fully functional within eight (8) weeks of becoming aware of the problem.

On the first occurrence of an industry's effluent meter malfunction without first notifying Wastewater Management, a Warning Notice will be issued for Failure to Operate and Maintain Monitoring and/or Sampling Devices. An estimate will be made for revenue billing purposes. The effluent meter shall be repaired or replaced and fully functional within eight (8) weeks after Wastewater Management becomes aware of the problem and shall be in operating condition for six (6) consecutive months to prevent escalating enforcement.

If the industry fails to repair the effluent meter within the eight (8) week period or maintain the meter in operating condition for six (6) consecutive months following repair for the first occurrence of malfunction, a Notice of Violation will be issued for Failure to Operate and Maintain Monitoring and/or Sampling Devices. The industry will be notified that the sewer bill will be based on total potable water consumption, in accordance with Chapter 6, Article 3, Section 6-309 (c) (2) (ii) of the Fresno Municipal Code. Billing will continue to be based on total potable water consumption until such time that the City can establish one full billing period based on the effluent meter.

The exception to billing based on potable water consumption will be for those instances where the industry generates more effluent than consumption. In such cases, Chapter 6, Article 3, Section 6-309 (c) (2) (iii) of the Fresno Municipal Code shall apply.

Industry composite sampler malfunction

If the industry notifies Wastewater Management of the malfunction, no enforcement action will be taken provided the sampler is repaired or replaced and fully functional within three (3) weeks of becoming aware of the problem. If, after three (3) weeks, the sampler is not repaired or replaced, enforcement will begin at the first violation level noted below.

If an industry's composite sampler is found to be non-functioning during routine revenue sampling, the ESS staff member responsible for the industry shall be notified as soon as possible. The cost for collecting make up samples shall be reimbursed to the City of Fresno in accordance with the Master Fee Schedule.

Industry composite sampler malfunction, continued

Enforcement for Failure to Operate and Maintain Monitoring and/or Sampling Devices shall be applied as follows:

Violation*	Enforcement Response	Penalty
First violation	Warning Notice	\$250.00
Second violation	Notice of Violation	\$500.00
Third violation	Consent Order	\$750.00
Fourth violation	Compliance Order	\$1000.00
Fifth violation	Show Cause Hearing	\$1000.00

*The industry must maintain compliance for six (6) consecutive months at any enforcement level to avoid escalating enforcement.

Septage Hauler Enforcement Response Plan

This document is intended to map out the path through various levels of enforcement actions when conditions that are listed in the Septage Hauler Wastewater Discharge Permit are violated. The order in which the types of enforcement are listed is not necessarily the order in which enforcement is applied.

Penalties

Penalties that apply at each level of enforcement are listed in the Master Fee Schedule and in the appendix of this document.

Warning Notice

A Warning Notice (WN) will be issued when a violation of any condition listed in the septage hauler discharge permit occurs and all of the following conditions are met:

1. The hauler has not shown a pattern of recurring violations. The existence of a pattern shall be determined by Wastewater Management.
2. The hauler has not had more than one (1) Warning Notice in a three (3) month period, and no more than three (3) Warning Notices in twelve (12) consecutive months.
3. The hauler has maintained compliance for six (6) consecutive months from the date of the last WN or six months from the completion date of a compliance schedule or order.

Notice of Violation

A Notice of Violation (NOV) will be issued if the violation does not meet the criteria for a Warning Notice. The hauler will need to stay in compliance for six (6) consecutive months from the date of the last NOV or enforcement will increase to the next level.

Consent Order

A Consent Order with a one (1) month suspension of disposal privileges will be issued if the following conditions are met:

1. The hauler incurs a similar violation that the last NOV was issued for within six (6) consecutive months from the date of the last NOV.
2. The situation does not meet the criteria for issuing a Warning Notice.

The Consent Order is an agreement that is reached in a meeting between the hauler and Wastewater Management to prevent future violations. Refusal to sign and/or comply with the terms and conditions of the Consent Order will result in increasing enforcement and penalties.

Septage Hauler Enforcement Response Plan

Compliance Order

A Compliance Order with a three (3) month suspension of disposal privileges will be issued if the following conditions are met:

1. The hauler incurs a similar violation that the Consent Order was issued for within six (6) consecutive months from the date of the last Consent Order.
2. The situation does not meet the criteria for issuing a Warning Notice.

The Compliance Order documents the history of noncompliance and mandates conditions to prevent future violations. Refusal to sign and/or comply with the terms and conditions of the Compliance Order will result in a Show Cause Hearing and/or Cease and Desist Order.

Show Cause

If the hauler fails to comply with the requirements of any order, notice, or demand of the ERP, the Control Authority may order any hauler to show cause before the Director why disposal privileges of the hauler should not be terminated. A notice will be served on the hauler specifying the time and place of a Show Cause Hearing to be held by the Director or his/her designee regarding the violation. The notice of the hearing shall be served personally or by certified mail, return receipt requested, at least ten (10) days before the hearing. Service of notice will be made on an authorized representative of the hauler, or the occupant(s), and/or owner(s), of record of the business. The Director will conduct the meeting, giving the hauler time to present his/her/its position.

Cease and Desist Order

This order may be issued to a user to terminate its discharge or a specific discharge stream to the collection system for any of the following situations:

- Illegal or unauthorized discharge
- Interference or pass through in the collection system or at the treatment facility
- Health hazards for personnel servicing the collection system or the general public
- Results of a Show Cause Hearing

The order may be issued immediately upon discovery of the problem or following a Show Cause Hearing. It can also be issued alone or in conjunction with any other notice to stop violations of a general or specific discharge prohibition or local limit.

In an emergency, a Cease and Desist Order may be given verbally, either in person or over the phone, and followed up with a written notice.

Fats, Oil & Grease (FOG) Enforcement Response Plan For Food Service Establishments (FSE)

This document is intended to map out the path through various levels of enforcement actions that maybe taken when conditions that are listed in the Food Service Establishment (FSE) FOG Wastewater Discharge Permit are violated. The order in which the types of enforcement are listed is not necessarily the order in which enforcement is applied.

Penalties

Penalties that apply at each level of enforcement are listed in the Master Fee Schedule and in the appendix of this document.

Warning Notice

A Warning Notice (WN) will be issued when a violation of any condition listed in the FSE discharge permit occurs and all of the following conditions are met:

1. The FSE has not shown a pattern of recurring violations. The existence of a pattern shall be determined by Wastewater Management.
2. The FSE has not had more than one (1) Warning Notice in a three (3) month period, and no more than three (3) Warning Notices in twelve (12) consecutive months.
3. The FSE has maintained compliance for six (6) consecutive months.

Notice of Violation

A Notice of Violation (NOV) will be issued If the violation does not meet the criteria for a Warning Notice. The FSE will need to stay in compliance for six (6) consecutive months from the date of the last NOV or enforcement will increase to the next level.

Consent Order

A Consent Order will be issued if the following conditions are met:

1. The FSE incurs a similar violation that the last NOV was issued for within six (6) consecutive months from the date of the last NOV.
2. The situation does not meet the criteria for issuing a Warning Notice.

The Consent Order is an agreement that is reached in a meeting between the FSE and Wastewater Management to prevent future violations. Refusal to sign and/or comply with the terms and conditions of the Consent Order will result in increasing enforcement and penalties.

FSE Enforcement Response Plan

Compliance Order

A Compliance Order will be issued if the following conditions are met:

1. The FSE incurs a similar violation that the Consent Order was issued for within six (6) consecutive months from the date of the last Consent Order.
2. The situation does not meet the criteria for issuing a Warning Notice.

The Compliance Order documents the history of noncompliance and mandates conditions to prevent future violations. Refusal to sign and/or comply with the terms and conditions of the Compliance Order will result in a Show Cause Hearing and/or Cease and Desist Order.

Show Cause

If the FSE fails to comply with the requirements of any order, notice, or demand of the ERP, the Control Authority may order any FSE to show cause before the Director why the water and/or sewer services of the FSE should not be terminated. A notice will be served on the FSE specifying the time and place of a Show Cause Hearing to be held by the Director or his/her designee regarding the violation. The notice of the hearing shall be served personally or by certified mail, return receipt requested, at least ten (10) days before the hearing. Service of notice will be made on an authorized representative of the FSE, or the occupant(s), and/or owner(s), of record of the business. The Director will conduct the meeting, giving the FSE time to present his/her/its position.

Cease and Desist Order

This order may be issued to a user to terminate its discharge or a specific discharge stream to the collection system for any of the following situations:

- Illegal or unauthorized discharge
- Interference or pass through in the collection system or at the treatment facility
- Health hazards for personnel servicing the collection system or the general public
- Results of a Show Cause Hearing

The order may be issued immediately upon discovery of the problem or following a Show Cause Hearing. It can also be issued alone or in conjunction with any other notice to stop violations of a general or specific discharge prohibition or local limit.

In an emergency, a Cease and Desist Order may be given verbally, either in person or over the phone, and followed up with a written notice.

Civil and Criminal Enforcement Actions

Introduction

A uniform procedure has been established to request enforcement action by the City Attorney's Office. A copy of the 'Request for Enforcement Action' form is included in the appendix.

Civil Action

The City may impose civil penalties including, but not limited to: administrative penalties, modification or revocation of permits, and/or cessation of services. The types of violations by industrial users warranting civil penalties are:

- Failure to factually report the wastewater constituents and characteristics of its discharge;
- Failure to report significant changes in wastewater constituents or characteristics;
- Refusal of reasonable access to the industrial User's premises for purpose of inspection and monitoring;
- Discharges of slugs of wastewater to the collection system;
- Failure to operate and maintain pretreatment system in the manner needed to meet discharge limits;
- Disrupting the proper functioning of monitoring equipment;
- Illegal discharges to the POTW;
- Submitting required reports past the due date;
- Causing blockages in the collection system;
- Violating any condition or provision of its permit, FMC Chapter 6, Article 3, or any judicial order

Chapter 6, Article 3, Section 6-323(e) of the Fresno Municipal Code authorizes the Control Authority to issue an administration penalty with a fine of up to twenty-five thousand dollars (\$25,000) per violation per day. The penalty may be collected through the user's city issued utility bill pursuant to Article 1 of Chapter 6 of the FMC. The industrial user receives a written notice stating the nature of the violation and the civil penalty assessed either personally or by certified or registered mail.

All costs including labor, sampling, laboratory analysis, and equipment incurred as a result of violations by an industrial user will be reimbursed to the City by that user.

The City Attorney has discretion to institute the appropriate civil action to ensure compliance with the Fresno Municipal Code, including an action for a temporary restraining order, a preliminary or permanent injunction, or an action to recover any damages incurred as a result of any Code violation.

Civil and Criminal Enforcement Actions

Criminal Prosecution

The US Attorney's Office has set up a task force to handle illegal discharges that fall under their jurisdiction. A member of Wastewater Management attends the task force meetings. If Wastewater Management staff has evidence of an illegal or hazardous discharge by an industry, the Department of Toxic Substances Control (DTSC) is notified of the evidence. DTSC will determine the most suitable way to collect evidence. If the sampling results reveals a possible illegal or hazardous waste violation DTSC will utilize a search warrant to obtain further evidence. The sampling results and search warrant information will be given to the State's Attorney General's Office and the US Attorney's Office. The US Attorney's Office usually takes the lead to determine the appropriate legal action. At this point, Wastewater Management will be a support group if needed.

Wastewater Management staff also works with the County of Fresno, Environmental Health System to prosecute other discharge and non-discharge violations. These violations include improper storage of hazardous waste and illegal dumping into the sewer system. If the evidence from inspections or sampling reveals a possible illegal action the case is brought before the Fresno County Counsel. The Fresno County Counsel will review the evidence and recommend either fines and/or prosecution. During this process the Wastewater Management staff will be a support group if needed.

Termination of Sewer Service

In addition to the provisions of FMC Chapter 6, Article 3, Section 6-335(k), any user who violates the following conditions is subject to discharge termination:

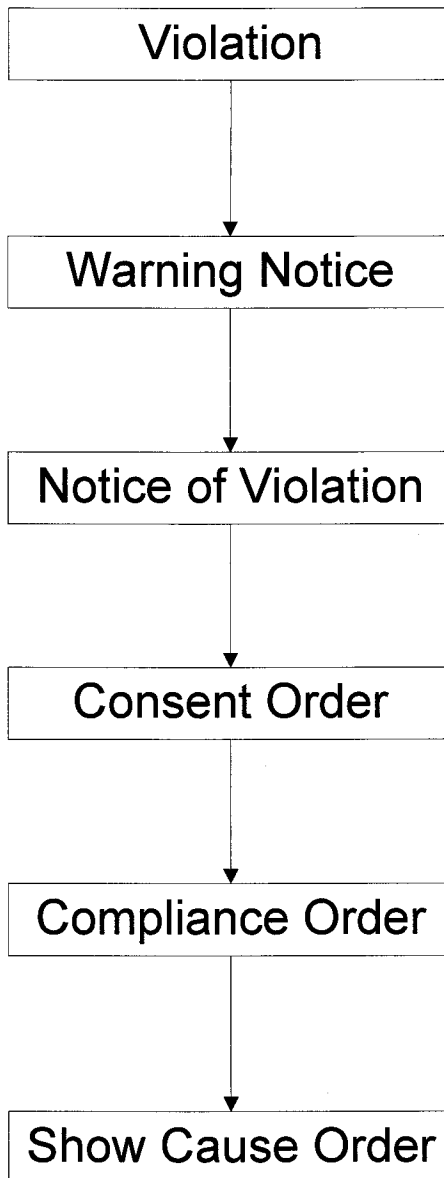
- Violation of Wastewater Discharge Permit terms and conditions;
- Failure to accurately report the wastewater constituents and characteristics of its discharge;
- Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- Failure to report an accidental or slug discharge as required in FMC Chapter 6, Article 3, Section 6-336(k); or
- Violation of any pretreatment standard or requirement, or any terms of the Wastewater Discharge Permit

Termination of sewer service involves physically plugging or disconnecting the user's sewer line from the collection system. It may also include or be replaced by the termination of water service.

If a permitted industrial user fails to comply with previous enforcement actions including a Consent Order or a Compliance Order, a Show Cause Hearing will be held by the Director or his/her designee. The offending party will be required to show cause why an order should not be made directing the termination of water service and/or severance of sewer connection. Written notice of the hearing will be served personally or by certified mail, return receipt requested, to an authorized representative of the industry at least ten (10) days before the hearing. The Director will conduct the meeting, giving the industry time to present his/her/its position.

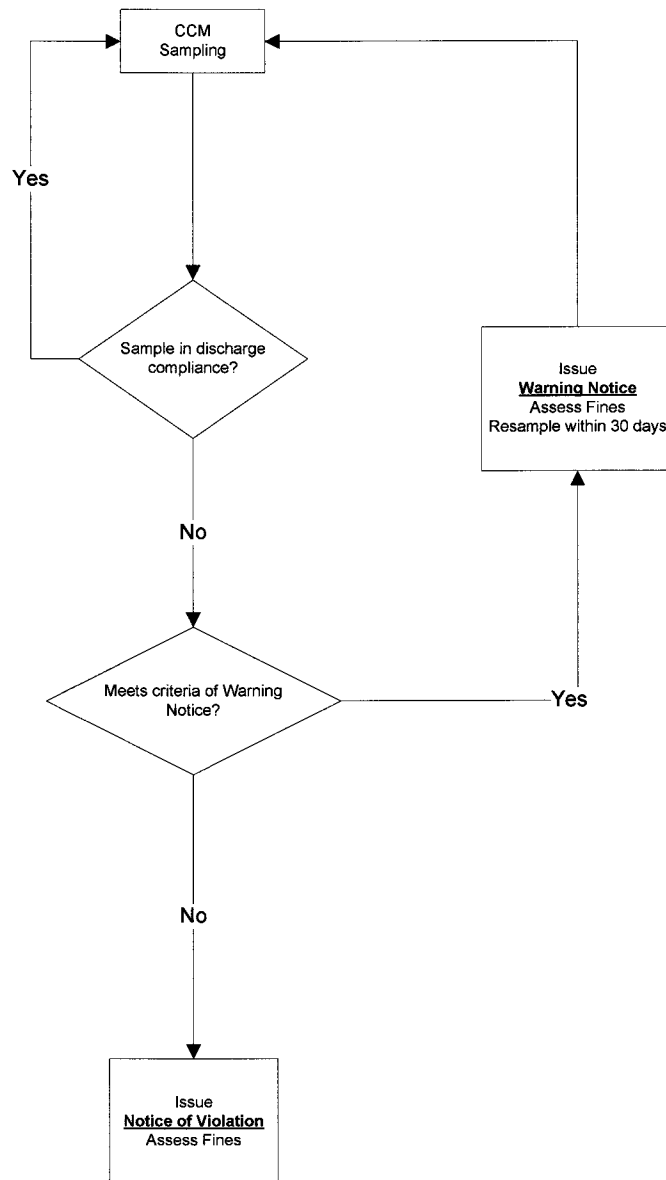
If the Director issues an order for sewer termination, a Cease and Desist Order will be issued. The Cease and Desist Order will be used to suspend or permanently revoke the industrial user's discharge permit, discontinue water service, and/or sever the sewer connection. A Cease and Desist Order may also be issued for illegal or unauthorized discharge, interference or pass through at the POTW, or health hazards for the general public or personnel servicing the collection system. In an emergency, the order may be given verbally in person or over the phone and followed up with a written notice. If a user does not comply with the Cease and Desist Order, legal action with the City's Attorney will be taken to stop the discharge.

Discharge Enforcement Response Plan Flow Chart



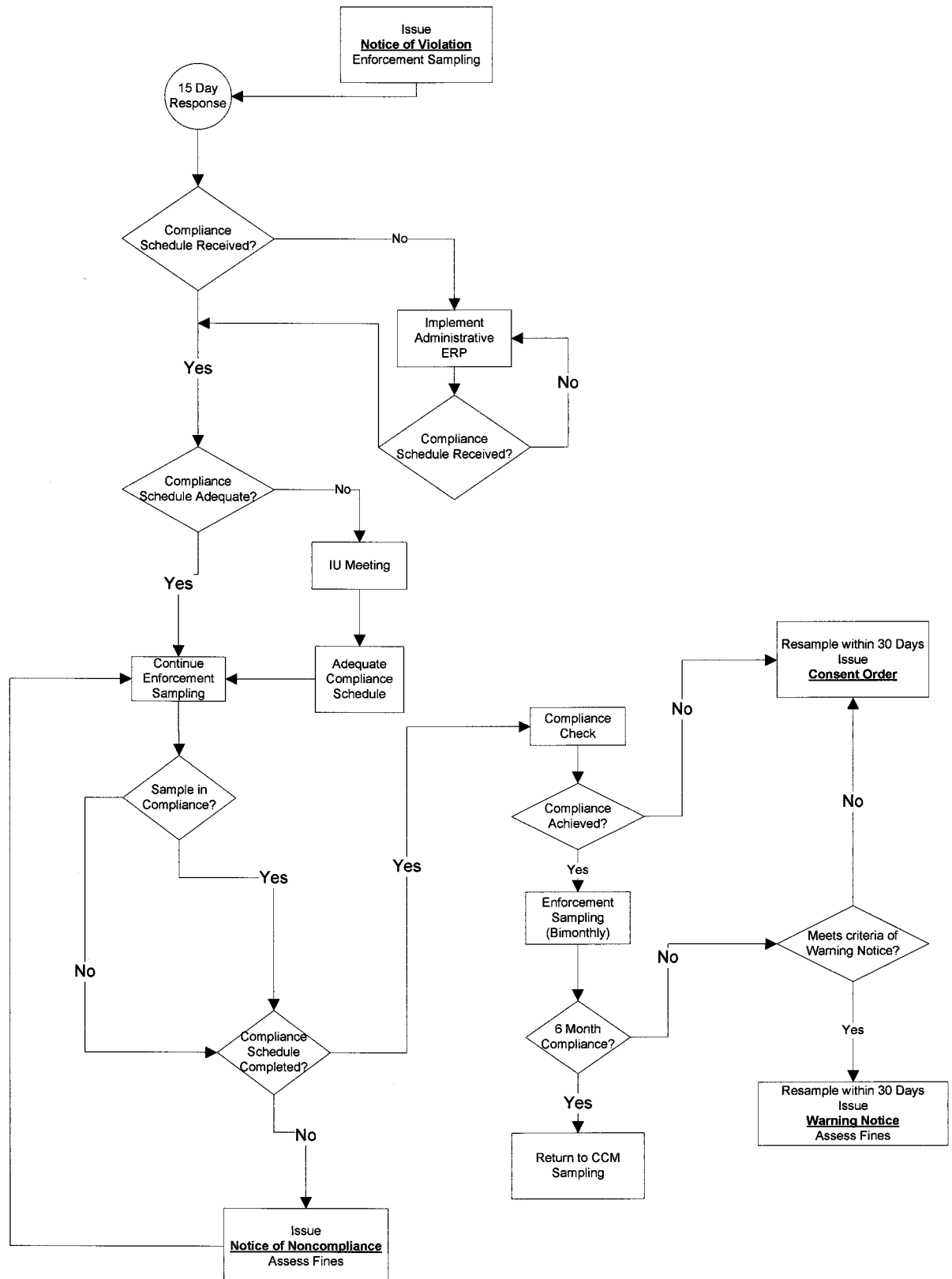
Discharge Enforcement Response Plan Flow Chart

Warning Notice



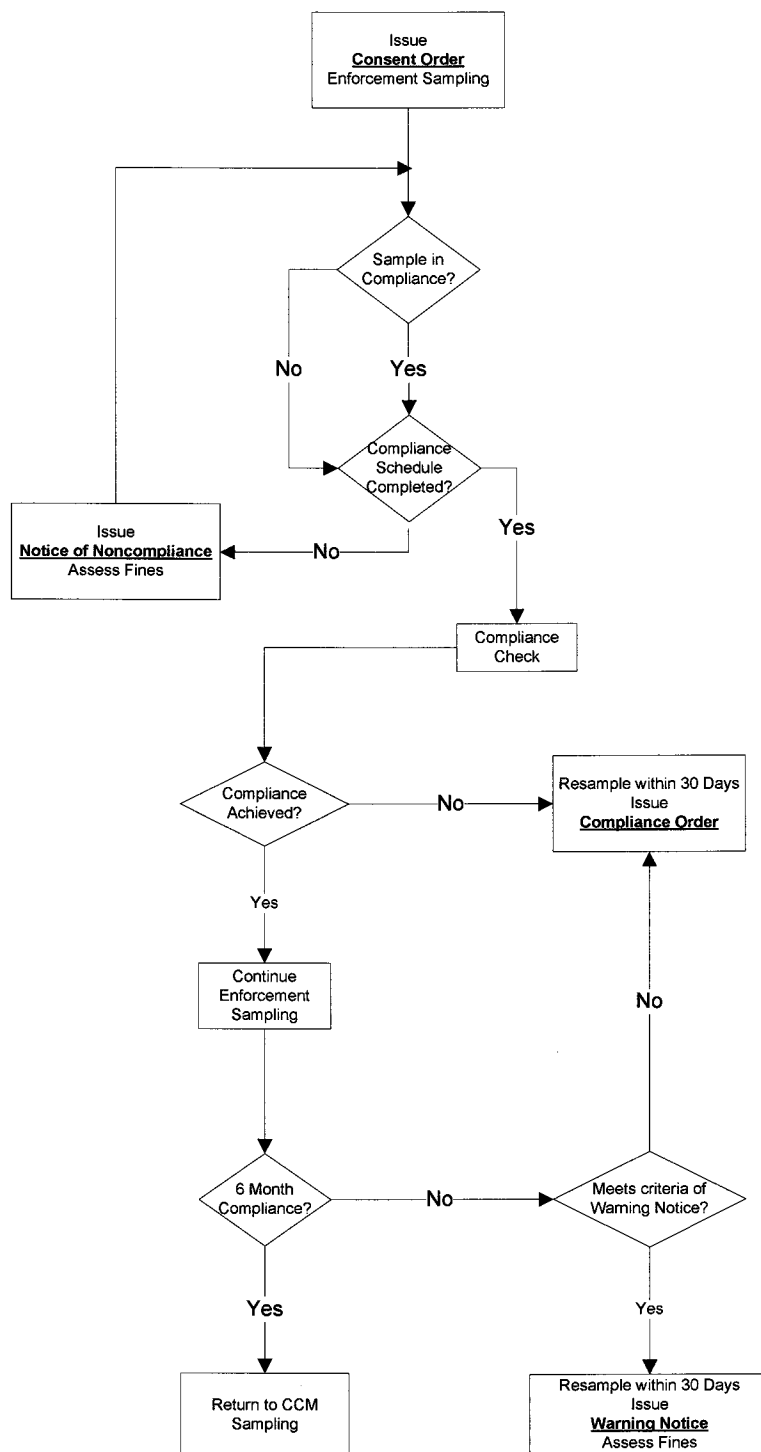
Discharge Enforcement Response Plan Flow Chart

Notice of Violation



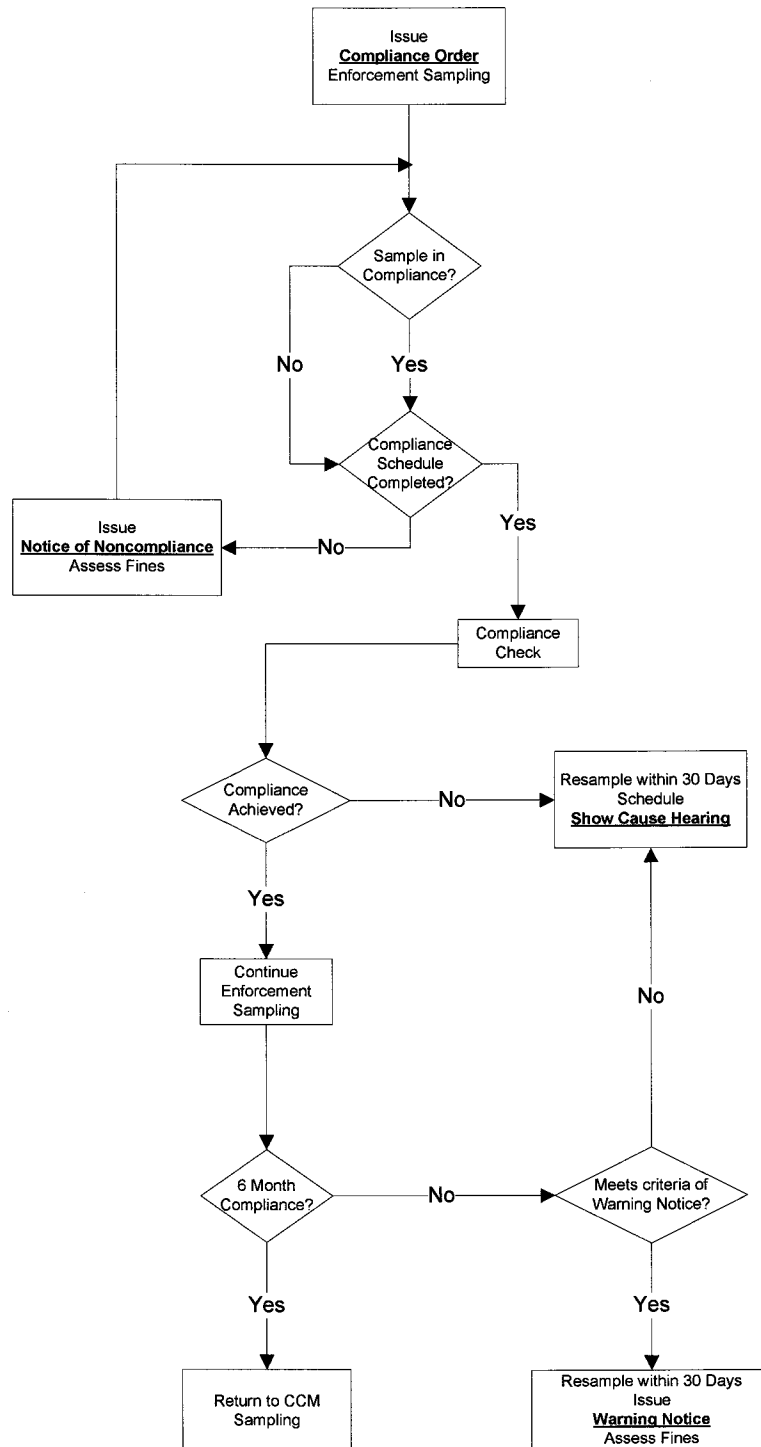
Discharge Enforcement Response Plan Flow Chart

Consent Order



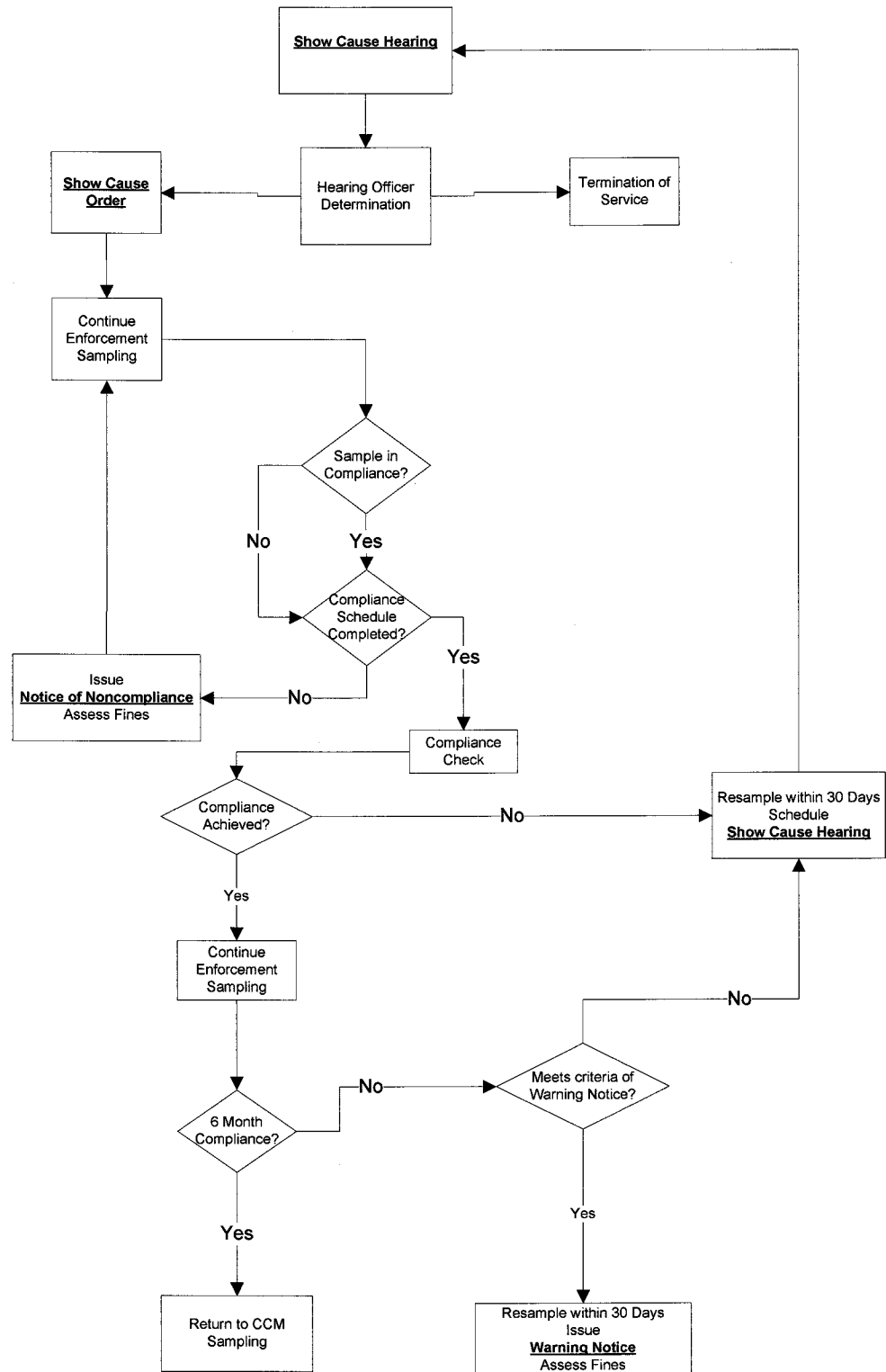
Discharge Enforcement Response Plan Flow Chart

Compliance Order



Discharge Enforcement Response Plan Flow Chart

Show Cause



FRESNO-CLOVIS REGIONAL WASTEWATER DISCHARGE PERMIT

Class II – Food Service Establishment

Permit Number: _____

Effective Date: _____

Expiration Date: _____

Food Service Establishment Name (FSE): _____

Business Address: _____

Site Inspection Date: _____

1. This permit shall be posted at the business address and the FSE shall comply with all conditions set forth herein. The FSE shall also comply with all relevant provisions of Chapter 6, Article 3 of the Fresno Municipal Code.
2. Access shall be granted to representatives of the City of Fresno at all reasonable times to all parts of the premises for the purpose of inspection, sampling or record examination.
3. The Control Authority shall be notified if there is any change(s) in operation and this permit becomes void upon change of ownership, location or operations.
4. The Control Authority shall be reimbursed for all costs incurred as a result of any FSE failing to comply with any provision of the Fresno Municipal Code or this permit.
5. All records, documents, memoranda and reports relating to removal of grease from any grease removal device, hauled waste oil and vents, and filter cleaning shall be retained and preserved for no less than three (3) years. Said records shall be available for inspection and copying by the Control Authority.
6. The FSE shall comply with the Specific FOG Prohibitions as found in Section 6-321.1 (d) of the Fresno Municipal Code.
7. The FSE shall implement and maintain all applicable Best Management Practices as found in Section 6-321.1 (i) of the Fresno Municipal Code.
8. Food Service Establishments are required to install, operate and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of the FOG Control Program.
9. New Food Service Establishments shall install grease interceptors prior to commencing discharges of wastewater to the sewer system. Existing Food Service Establishments shall install grease interceptors when there is a change in ownership, a change in operation that has the potential to increase the amount of FOG generated and/or discharged by FSE, if the existing discharge has caused or contributed to a sanitary sewer overflow, or during a remodel.
10. The following grease removal device(s) have been identified and shall be properly maintained:

[] N/A, this FSE does not have a grease removal device. If subsequent monitoring shows an accumulation of FOG in the sewer lateral or the collection system downstream of the FSE or if the FSE causes or contributes to a Sanitary Sewer Overflow, a grease removal device shall be required.

[] Grease Interceptor Cleaning Frequency: At least once every _____ months

[] Grease Trap Cleaning Frequency: At least once every _____ days

AUTHORIZATION

The above named Permittee is hereby authorized to discharge wastewater to the sanitary sewer system, subject to compliance with these specific terms and conditions, the Standard Terms and Conditions, and Chapter 6, Article 3 of the Fresno Municipal Code. The City of Fresno may amend this permit to include revisions during the term of the permit.

for Director of Public Utilities

Date

FRESNO-CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY

FOOD SERVICE ESTABLISHMENT (FSE) INSPECTION REPORT

FSE Name: _____

Address: _____ City: _____ Zip: _____

Phone Number: _____

Inspection Contact: _____ Title: _____

Property Manager / Owner Contact / Phone Number (if different from above): _____

Business Hours: _____ ☐ New FSE ☐ Existing FSE ☐ Ownership Change

Meals/Day: _____ FSE Type: _____

Seating Capacity: _____

A. EXISTING PLUMBED FIXTURES

Food Grinder: ☐ Yes (Number: _____) ☐ No

Dishwasher: ☐ Yes ☐ No

Does the discharge from the dishwasher bypass the grease trap? ☐ Yes ☐ No ☐ N/A

B. GREASE REMOVAL DEVICES

Type: ☐ Interceptor ☐ Trap Size (capacity): _____

Location: _____ Condition: _____

Cleaning Frequency: _____ Method: _____

Cleaned by: ☐ FSE ☐ Service Company (permitted by Fresno County? ☐ Yes ☐ No)

Service Company Information: _____

Are Maintenance log(s) and receipts/invoices kept at the FSE? ☐ Yes ☐ No

C. ADDITIVES: ☐ Yes ☐ No If Yes, type: ☐ Enzymes ☐ Bacteria ☐ Chemicals ☐ Other _____

Point of Introduction: _____

D. OTHER EQUIPMENT

Hood Filters:

Cleaned by: ☐ Employees ☐ Vendor

Vendor name and address: _____

Is the location of the cleaning process connected to the sanitary sewer? ☐ Yes ☐ No

E. BEST MANAGEMENT PRACTICES (BMPs)

Indicate which BMPs are currently in practice: ☐ Drain screens ☐ Segregating waste cooking oil

☐ Dry-wiping pots ☐ Properly disposing food waste ☐ Using absorption products

☐ Waste cooking oil collected and stored in covered container

Service Company Information: _____

☐ Maintaining filters ☐ Posting signs

F. ADDITIONAL COMMENTS

Inspector: _____ Date: _____

I, the undersigned, do hereby acknowledge being present at this inspection and receiving the permit package.

Facility Representative: _____ Date: _____

FRESNO-CLOVIS REGIONAL WASTEWATER DISCHARGE PERMIT

Class IV

PERMITTEE IS REQUIRED TO READ THIS MATERIAL IN ITS ENTIRETY

Permit Number:

Effective Date:

Expiration Date:

Application Due Date:

Business Name:

Service Account(s):

Business Address

Mailing Address

User Discharge Classification:

FIV

Description:

Users discharging a series of batch loads to a designated point identified by the Control Authority

The City of Fresno (**the Control Authority**) hereby authorizes _____ (**the Permittee**) to discharge wastewater to the Fresno-Clovis Regional Wastewater Reclamation Facility, Septage Handling Facility or any other designated disposal site subject to said compliance with the conditions stated within this permit.

This wastewater discharge permit is issued in accordance with Section 6-335 of the Fresno Municipal Code and expressly authorizes the Permittee to discharge wastewater to the Publicly Owned Treatment Works. If, for any reason, this wastewater discharge permit is revoked, suspended, or otherwise held invalid, authorization to discharge is terminated. *(FMC Chapter 6, Article 3, Section 6-335(b))*

IN RECEIVING THIS PERMIT, the Permittee agrees to abide by all conditions set forth herein.

SECTION A. GENERAL CONDITIONS

1. This permit shall be maintained on file at the business address.
2. The Permittee must apply for a Discharge Permit reissuance a minimum of ninety (90) days prior to the expiration date of this permit. *(FMC Chapter 6, Article 3, Section 6-335(e)(2))*
3. A current copy of Chapter 6, Article 3 of the Fresno Municipal Code (FMC) shall be maintained on file at the business address, and the Permittee shall comply with all relevant provisions of the FMC.
4. The Permittee agrees to cooperate at all times with the Control Authority, allowing them to sample or inspect the Permittee's vehicle when requested.
5. This permit becomes void upon change of ownership, location or operations of an existing facility. *(FMC Chapter 6, Article 3, Section 6-335(j))*
6. The terms and conditions of this permit may be modified as a result of EPA promulgation of any new Federal pretreatment standards. *(FMC Chapter 6, Article 3, Section 6-335(h))*

7. The terms and conditions of this permit may be modified or deleted by the Control Authority at any time as limitations or requirements as identified by the City's ordinance are modified or other just cause exists. *FMC Chapter 6, Article 3, Section 6-335(h))*
8. This permit may also be modified to incorporate special conditions resulting from issuance of special orders. *(FMC Chapter 6, Article 3, Section 6-335(h))*
9. If any condition of this permit or its application to any circumstance is held invalid, the application of said condition to any other circumstance, as well as the remainder of this permit, shall not be affected.
10. The Control Authority shall be notified of any changes in ownership, operation, business address, authorized vehicles, or volume of discharge.

SECTION B. SEPTAGE HAULER CONDITIONS

1. The Permittee shall pay the City of Fresno sewer utility bills by the due date as stated on the bill. Payment arrangements are acceptable if approved by the Utilities, Billings, and Collection Division.
2. Any 48-Hour Notice of Disconnection of Services must be paid in full, or payment arrangements made, within ten (10) working days from the date the Notice is issued. Failure to bring the account current, or make payment arrangements, within the ten (10) days will result in revocation of disposal privileges and the deactivation of the key card(s) assigned to the Permittee. If applicable, the Permittee's \$2,000 security deposit shall be forfeit toward the delinquent amount and other penalties that might have accrued.
3. In order for service to be reinstated as a Septic Hauler all outstanding balances must be paid in full, or payment arrangements made with the approval of both the Utilities, Billings, And Collection Division and the Control Authority. Also, a new \$2,000 security deposit and a cost recovery charge of \$15 for the reactivation of each key card(s) will be required.
4. If the Permittee terminates their account with the City, or if the City revokes the Permittee's Discharge Permit, key card(s) must be returned within ten (10) working days from the date of termination/ revocation. Failure to do so will result in a cost recovery charge of \$15 per key card.
5. The Permittee shall refrain from discharging toxic, industrial, and/or hazardous waste. Waste from grease traps, commercial interceptors, industrial interceptors, industrial sumps, decorative landscape water systems, ponds, pools, etc. are strictly prohibited.
6. The Permittee shall have all trucks available for an annual inspection conducted by the Control Authority.
7. The truck's capacity shall be certified by the State of California and shall be clearly printed on the vehicle. Any changes in the original capacity shall be certified by the State and submitted in writing.
8. The Permittee shall have vehicle liability insurance in force whenever they enter and/or use any City-owned septage receiving facility or property. Proof of insurance shall be made available at the time of the annual City/County septage hauling truck inspections.
9. The Permittee shall carry the County of Fresno Permit Number (sticker) on the vehicle at all times.

10. The Permittee shall discharge liquid waste only through the hose connection provided. Discharge of waste on the cement pad is prohibited.
11. The Permittee shall wash down the cement pad when incidental spillage occurs.
12. The Permittee shall refrain from discharging or placing solidified septic waste in the garbage bin provided at the disposal site.

SECTION C. REPORTING REQUIREMENTS

1. The Permittee shall submit a fully completed and legible copy of the City approved Septage Disposal Manifest form for each waste load transported by each truck prior to discharge of the content of the vehicle. In the event there is more than one septage generator in one truck load, individual manifests will be required for each generator, with the exception of chemical toilets in which case haulers will submit one manifest per load.
2. The Permittee shall have disposal manifests signed by both generator and hauler. The generator's phone number shall be included on said manifest. If the generator is not present at the time of the service, it shall be stated as such on the manifest. Copies of signatures from either generator or hauler will not be accepted. *(FMC Chapter 6, Article 3, Section 6-318(d))*

SECTION D. RECORD KEEPING

1. All records, documents, memoranda and reports relating to the monitoring, sampling and chemical analysis of the process wastewater shall be retained and preserved for no less than three (3) years. Said records, documents, memoranda and reports shall be available for inspection and copying by the Control Authority. *(FMC Chapter 6 Article 3 Section 6-336(p))*
2. All records that pertain to matters that are the subject of special orders, or any other enforcement or litigation activities shall be retained and preserved until all enforcement activities have concluded, and all periods of limitation with respect to all appeals have expired. *(FMC Chapter 6, Article 3, Section 6-336(p))*

SECTION E. CONFIDENTIAL INFORMATION

1. All information and data concerning the Permittee obtained from reports, questionnaires, wastewater discharge permit applications, wastewater discharge permits, monitoring programs, and inspections shall be available to the public without restriction unless the user specifically requests otherwise, and is able to demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. *(FMC Chapter 6, Article 3, Section 6-321(a))*
2. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately to governmental agencies for uses related to the Pretreatment Program, and in enforcement proceedings involving the person providing the report. *(FMC Chapter 6, Article 3, Section 6-321(b))*

3. Wastewater constituents and characteristics and other effluent data as defined by 40 C.F.R. 2.302 will not be recognized as confidential information and will be available to the public without restriction. *(FMC Chapter 6, Article 3, Section 6-321(c))*

SECTION F. ENFORCEMENT/PENALTIES

1. The Control Authority is responsible for enforcing the provisions of Chapter 6, Article 3 of the Fresno Municipal Code and any condition or provision of any permit issued pursuant to that article. *(FMC Chapter 6, Article 3, Section 6-323(a))*
2. The Permittee is in violation of Chapter 6, Article 3 of the Fresno Municipal Code whenever the Permittee violates or causes a violation of any of the terms of that article, any rule adopted by the Control Authority to administer or enforce that article, and any notice, order, or demand issued by the Control authority pursuant to an Enforcement Response Plan. Any violation of Chapter 6, Article 3 of the Fresno Municipal Code shall be a public nuisance. *(FMC Chapter 6, Article 3, Section 6-323(b))*
3. The Control Authority may take action pursuant to its Enforcement Response Plan as appropriate for any violation of the Fresno Municipal Code or the Permittee's wastewater discharge permit. Available remedies of violations include issuing various types of violation notices, issuing an administrative citation, modifying or revoking the Permittee's wastewater discharge permit, or terminating utility service. *(FMC Chapter 6, Article 3, Section 6-323(c))*
4. The Control Authority may request the City Attorney's Office to pursue civil and/or criminal action pursuant to local, state, or federal law, including, but not limited to California Government Code Section 54740. *(FMC Chapter 6, Article 3, Section 6-323(c)(6))*
5. The Control Authority may issue an administrative citation with a fine of up to twenty-five thousand dollars (\$25,000) per violation per day. *(FMC Chapter 6, Article 3, Section 6-323(e))*
6. Pursuant to the Enforcement Response Plan, the following levels of escalating enforcement and administrative citations have been established:
 - a. Warning Notice \$250
 - b. Notice of Violation \$500
 - c. Consent Order \$750 + a one (1) month suspension of privileges
 - d. Compliance Order \$1,000 + a three (3) month suspension of privileges
 - e. Show Cause Order \$1,000
7. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained for this permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this permit, shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) or by imprisonment for not more than six (6) months, or by both. *(FMC Chapter 6, Article 3, Section 6-323(h))*
8. The Control Authority shall be reimbursed for all costs, including overhead incurred for labor, sampling, laboratory analysis and equipment, as a result of a user failing to comply with any provision of the Fresno Municipal Code. *(FMC Chapter 6, Article 3, Section 6-323(i))*
9. The Industrial User will be required to reimburse the POTW for costs associated with the treatment and disposing of wastes or flow from a slug discharge.

10. In addition to any administrative citations that may be issued, failure to submit required reports by specified deadlines will result in the assessment of the following cost recovery charges:
- a. First day late \$45.00
 - b. Each additional day late \$22.50

Administrative cost recovery charges will continue to accrue until the required document is received

SECTION G. SPECIAL OPERATING CONDITIONS

1. The Permittee shall be allowed to discharge the following to any approved site:
- a. Sanitary waste from septic tanks originating in Fresno County
 - b. Sanitary waste from chemical toilets originating in Fresno County
 - c. Treated Sludge from the following sites(s):
(FMC Chapter 6, Article 3, Section 6-318c))
2. If the Permittee is found to be discharging treated sludge from any site not specified above, they will be subject to enforcement action by the City up to and including termination of service.
3. The Permittee shall use only the following vehicles:

Truck	Make	License No.	Capacity (gallons)
1			

SECTION H. CORRESPONDENCE

All reports and correspondence shall be submitted to the following address:

Environmental Services Section
Wastewater Management Division
5607 West Jensen Avenue
Fresno, CA 93706-9458

for Director of Public Utilities

Date

**FRESNO REGIONAL
WASTEWATER RECLAMATION
FACILITY**

**SEPTAGE WASTE DISPOSAL
PERMIT APPLICATION**

1. Applicant Business Name: _____

2. City Service Account Number: _____

3. Business Address:

Street: _____

City: _____ State: _____ Zip: _____

4. Mailing Address

Street: _____

City: _____ State: _____ Zip: _____

5. Person responsible for Septage Waste Disposal Permit:

Name: _____

Title: _____

Phone: Business _____ Home _____

Email: _____ FAX: _____

6. Estimated number of loads discharged per day and week: _____ / Day _____ / Week

7. Types of Loads (Check all that apply):

() Septage (septic tanks, chemical toilets, or vaults)

() Landfill Methane Condensate

() Treated sludge Generators: _____

8. Other Disposal Facilities used (besides Fresno): _____

9. Septage Hauling Trucks (permitted with the City of Fresno)

License No.	Make	Color	Capacity (gal)

Certification: *I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Signature: _____

Date: _____

Title: _____

**FRESNO REGIONAL WASTEWATER RECLAMATION FACILITY- SEPTAGE HANDLING FACILITY
MANIFEST FOR THE GENERATION, SHIPMENT, AND DISPOSAL OF SEPTAGE**

SECTION 1	GENERATOR OF WASTE (CUSTOMER PUMPED)
SEPTAGE HAULER / WASTE GENERATOR	Residence or Business Name: _____ Address: _____ City: _____ Ph: _____ Business Type (If Applicable) : _____ * I CERTIFY AS THE CUSTOMER GENERATOR , THE BELOW WASTE HAS BEEN REMOVED FROM THIS LOCATION BY THE CONTRACTOR NAMED BELOW. Printed: _____ Signed (X): _____ Title: _____ Date: _____ Time: _____
SECTION 2	SOURCE INFORMATION
SEPTAGE HAULER Use a separate manifest for each individual source	WASTE ORIGIN (check one) <input type="checkbox"/> Septic Tank <input type="checkbox"/> Chemical Toilets <input type="checkbox"/> Other (State type): _____ (Generator or Hauler must have prior approval from the City) WASTE GENERATOR (check one) <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> BUSINESS (If from a Business then continue) Does the business have source(s) of wastewater besides sanitary? (check one) <input type="checkbox"/> Yes <input type="checkbox"/> No If YES , Does the other source(s) have it's own SEPARATE pretreatment or holding unit? (check one) <input type="checkbox"/> YES (If YES , then the City will verify that the pretreatment system (if so equipped) is being maintained) <input type="checkbox"/> NO (If NO , then it will be assumed that this load is co-mingled with unacceptable waste and will not be accepted)
SECTION 3	WASTE HAULER INFORMATION
SEPTAGE HAULER	Company's Name: _____ Address: _____ Ph: _____ Discharge Permit #: <u>FII-</u> _____ Truck License #: _____ Truck Capacity: _____ * I CERTIFY AS A PERMITTED SEPTAGE HAULER, THAT THE DESCRIBED WASTE, IN THE DESIGNATED QUANTITY WAS REMOVED FROM THE ABOVE LOCATION. Septage Hauler's Signature (X): _____ Date: _____ Time of Disposal: _____
SECTION 4	DISPOSAL SITE INFORMATION
SEPTAGE HANDLING FACILITY OPERATOR	Facility Name: <u>FRWRF- SEPTAGE HANDLING FACILITY</u> * I CERTIFY THAT THE ABOVE SEPTAGE HAULER HAS DELIVERED THE ABOVE WASTE, WHICH HAS BEEN RECEIVED FOR LAWFUL DISPOSAL. Facility Operator (X): _____ Title: _____ Date: _____ Time: _____